86-1824 (1)

NO.----------

Supreme Court, U.S.
FILED
FEB 6 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
TERM-OCTOBER 1986

GEORGE E. HAREN,
Petitioner,

vs.

THE CITY OF CANTON, OHIO, et.al.
Respondent,

vs.

THE COUNTY OF STARK, OHIO, et.al.
Respondent,

vs.

THE STATE OF OHIO, et.al.
Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN PRO PER
GEORGE E. HAREN
4130 N. 12th. ST.
APT. #28
PHOENIX, AZ. 85014

1851P

QUESTIONS PRESENTED

1. Wether it is possiable to completly stifle due process and the victims just cause by simply ignoring the issues and the case when Federal law and the Constitution states the complete opposite.

2. Can applicable Federal and State statutes themselves be utilized in a United States District Court to enumerate the injury that was incured since a complete discription of the surronding factors is needed in a suit of Tort Personal Injury to help affix damages and liability.

3. Wether the time factor that is so relevant in statute of limitations, case filing and appeal, etc., is only used as a conveinance to the Courts and is not considered an important factor regarding liability in suits involving personal injury where personel changes due to normel election processes is a factor.

4. Wether it is considered part of due

process to ask for prosecution of the offend ing parties since, because of their positions in the respective civil service jobs, their past activities do indeed pose a direct threat to others, my immediate family the cause of greatest concern.

5. Can it be assumed that the provisions of the Constitution and the Federal statutes regarding a trial by jury in suits of this nature be fully recognized and inforced.

PARTIES TO THE PROCEEDINGS

George E. Haren,
Petitioner,

V.

City of Canton, Ohio
Mayor, Stanley Cmich and Staff
Law Director, Harry Klide and Staff
Attorney; John S. Coury

County of Stark, Ohio
County Commissoners, Robert Shirack, Virgil Musser, Norman Sponseller and Staff
Attorney; Dale T. Evans

State of Ohio

Governor, James Rhodes and Staff

Attorney General, William Brown and Staff

Attorney; David J. Kovach

Co-Respondents

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Moore v. Buckles
1975, DC Tenn. 404 F Supp 1382---------13.

Rundle v. Madigan
1975, DC Cal 356 F Supp 1048----------11.

Wiggins v. Hess
1976, CA 8 Mo 531 F2d 920----------13.

Harley v. Oliver
1976, CA 8 ARK 539 F2d 1143----------13.

The Holy Bible
The Catholic Press Inc.
Edited by Reverend John P. O'Connell M.A., S.T.D. Published with the approbation of His Eminence Samuel Cardinal Stritch, Copyright 1950, regarding the view on Psychoanalysis, etc., and a mortals soul.
----------5.

REFERENCE TO REPORTS

The opinion of the Court of Appeals not yet reported appears in the Appendix with all other orders issued from both the Sixth Circuit Court of Appeals and the United States District Courts for the Northern District, along with other documents to be presented before this Court.

JURISDICTIONAL STATEMENT

This Petition for a Writ of Certiorari is being submitted after an Order from the

Sixth Circuit Court of Appeals was issued March, 28, 1985. A motion to stay the mandate was filed, and granted prior to final entry. This Courts jurisdiction is invoked under Title 28 USCS 1254(1).

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

First Amendment of the Constitution, Including notes 61,62,63,65.

Fourth Amendment of the Constitution, Including notes 116.

Fifth Amendment of the Constitution,

Sixth Amendment of the Constitution.

Seventh Amendment of the Constitution.

Eighth Amendment of the Constitution, Including notes 3,4,6,9.

Ninth Amendment of the Constitution.

Tenth Amendment of the Constitution.

Eleventh Amendment of the Constitution.

Thirteenth Amendment of the Constitution, Sections 1&2.

Fourteenth Amendment of the Constitution, Sections 1&5.

Fifteenth Amendment of the Constitution, Sections 1&2.

Miranda Decision

Miranda v. Arizona (1) 384 US 436.

Title 42 USCS 1983 (Civil action for deprivation of rights).

Title 42 USCS 1985 (3) (Conspiracy to interfere with civil rights).

Title 28 USCS 1343 (1)(2)(3)(4) (Civil rights and elective franchise).

Title 21 USCS 321 (g)(1)(2) (Drug definitions).

Title 21 USCS 351 (A)B(b) (Adulterated drugs and devices).

Title 21 USCS 352 A(a) (Misbranded drugs and devices).

Title 18 USCS 241 (Conspiracy against rights of citizens).

Title 18 USCS 242 (Deprivation of rights under color of law).

Title 18 USCS 245 a(1)(2)b(1)(A)(B)(C)(D)(E):(5):(c) (Federally protected activities).

Title 18 USCS 1201 a(1):b:C. (Kidnapping).

Title 18 USCS 4 (Misprison of felony).

Titlt 18 USCS 1342 (Fictitious name or address).

Title 18 USCS 1114 (Protection of officers and employees of the United States).

Title 18 USCS 111 (Assaulting, resisting, or impeding certian officers or employees).

Title 18 USCS 33 (Destruction of motor vehicles or motor vehicle facilities).

Title 18 USCS 35 (a)(b) (Imparting or conveying false information).

Title 18 USCS 2511 1(a)(c):2(d) (Interception and disclosure of wire or oral communication prohibited).

Title 18 USCS 2520 (Recovery of civil damages authorized).

Title 18 USCS 1702 (Obstruction of correspondence).

Title 18 USCS 1343 (Fraud by wire, radio, or televisior).

Ohio Bill of Rights

Article 1 paragraph 7 (notes) 17,26,28.

Title 51,53 ORC 5119.13 (Occupational therapy).

Title 51,53 ORC 5119.23 (Examination into mental and physical condition of confined person, discharged if not subject to hospitalization).

Title 51,53 ORC 5119.28 (Classification, assignment to institutions: transfer).

Title 37 ORC 341.22 (Religious services

and welfare work in county jail).

Title 29 ORC 2903.11 A(1)(2)B (Felonious assault).

Title 29 ORC 2903.21 A.B. (Aggravated menacing).

Title 29 ORC 2903.22 A.B. (Menacing).

Title 29 ORC 2905.01 A(2)(3)(5):B(1)(2)(3):C. (Kidnapping).

Title 29 ORC 2905.02 A(1)(2)(3):B (Abduction).

Title 29 ORC 2905.03 A.B. (Unlawful restraint).

Title 29 ORC 2905.04 A.C. (Child stealing).

Title 29 ORC 2905.11 A(1)(2)(3)(4)(5):B:C. (Extortion).

Title 29 ORC 2905.12 A(1)(2)(3)(4)(5):D:E. (Coercion).

Title 29 ORC 2911.21 A(1)(2):B:C:D. (Criminal trespass).

Title 29 ORC 2919.22 B(1)(2)(3):C. (Endangering children).

Title 29 ORC 2919.23 A(1):C. (Interference with coustody).

Title 29 ORC 2921.11 A.B.C.D.F. (Perjury).

Title 29 ORC 2921.13 A(1)(6)(7):C:D. (Falsification).

Title 29 ORC 2921.22 A.B.D.E. (Failure to report a crime).

Title 29 ORC 2921.31 A. (Obstructing official business).

Title 29 ORC 2921.44 A(2):B:C(1)(2)(3)(5) D:E:F. (Dereliction of duty).

Title 29 ORC 2921.45 A.B. (Interfering with civil rights).

Title 29 ORC 2931.03 (Jurisdiction of the court of common pleas).

Title 29 ORC 2933.22 A. (Probable cause).

Title 29 ORC 2933.23 A. (Affidavit for search warrant).

Title 29 ORC 2933.58 A. (Eavesdropping: Wiretapping).

Title 29 ORC 2935.09 (Accusation by affidavit to cause arrest or prosecution).

Title 29 ORC 2935.10 A. (Procedure upon filing of affidavit or complaint).

Title 29 ORC 2935.14 (Rights of person arrested).

Title 29 ORC 2935.16 (Prisoners held without process).

Title 29 ORC 2935.20 (Right to counsel).

Title 29 ORC 2947.25 A.B.C.D. (Psychiatric examination before sentence);

Title 29 ORC 2951.02 (Probation).

Quotes from the Holy Bible.

STATEMENT OF CASE

It is extremly difficult to give a complete description of all relevant factors to this case with jurisdiction under Title 42 USCS 1983, since the suit arose from actions that covered a time span of one year and five months, and not from a single incident.

On the Civil Cover Sheet the suit is listed as: Nature of Suit, Torts, Personal Injury, 360: Actions Under Statutes, Civil Rights, 440: and Other Statutes, 890, Other Statutory Actions.

To avoid confusion, judgements and other documents have been numbered, and where refered to in this statement by number, they will appear in the Appendix with the same number.

That, the named Co-Respondents (called, City of Canton, Ohio et.al., County of Stark, Ohio et.al.m and the State of Ohio et. al., in specified instances) did indeed infringe on the gaurenteed enumerations in the Constitutional Amendments listed, the Civil and

Inherient Rights of the Petitioner (Haren) and did so while knomingly breaking the Federal and State statutes listed, which then makes the complete act one of a conspiracy.

A false charge was sent Haren by United States Mail, from one of the offices of the City of Canton, Ohio et.al. after which Haren was subjected to treatment from all the named Co-Respondents that was sub-human in nature because of the facts that where present in favor of Haren, facts that where either presented or where redily attainable, therefore Haren is also demanding that the charges of Conspiracy and Kidnapping be laid and given to the United States Attorney Generals Office for processing and Prosecution.

The list of Constitutional Amendments, Federal and State statutes inclosed, with the verbatum presentation in the Appendix as per Rule 21(1)F.Rules of the Supreme Court, is not a haphazard collection, but represents the infractions that Haren had incured

during that one year and five months, and the reason the case was requested tried under the Rules of Complex Litigation, Federal Juris.

Although represented by licensed attorneys during that period, facts pertaining to Harens present status then: marital, physical mental, economical, etc., was not recognized as accepted findings of fact, and subsequent Court Orders and Administrative Judgements had then placed Haren in areas of immediate serious harm, both physical and mental.

The supposed complaining party was a good friend of Harens, and in the one and only trial session that was held with both her and her Mother present, both had made statements in favor of Haren, and of his conduct.

Yet, Harens mental condition continued to be under heavy assault from the first encounter with a police sargent from the City of Canton, Ohio et.al., who had shouted repeatedly at Haren, "you are nuts, you should be locked up", and continued that he knew

Harens "history", to the final order from Canton Municipal Court that had directed Haren to Brecksville V.A. Medical Center for mental health care as a prerequsite to release, not fourty-five minutes after a Stark Co. Probate Judge had issued an order restoring Harens compidancy after a prolonged stay in Massillon State Hospital,(PE-16) thus ending a period of one year, two months, and twenty-two days, during which time Haren had been legally termed an incompident.

The total period spent in confinment at the State Mental Hospital at Massillon, Ohio, even though it was not an accredited facility for care, as per published accounts in the Canton Repository, May 1, 1978, it still draws monies from the State Tresuary as such, and where Haren was placed either on Order or direction from Judges of both the City of Canton, Ohio et.al., and the County of Stark, Ohio et.al., places the liability firmly on the named Co-Respondents and confirms the conspiracy since all parties had knowlege and

access to the findings that Brecksville V.A Medical Center had released that prior Oct. 1977. Brown v. Fairview State Hospital, Scheuer v. Rhodes, and Monroe v. Pope, and that they had acted in the conspiracy because of that fact.

If there where no complete and thurough exam to refer to, the Co-Respondents are still liable to suit, Kerr v. Chicago, and that no Judge had the jurisdiction to order amental exam or treatment (PE-15) since Haren had not been charged with an offense under Section 2947.25 of the Ohio Revised Code, which makes the respondeat superior docterin available since there was direct involvment in the deprivation of Constitutional Right, Classon v. Shopko Stores Inc.

That conspiracy seems to have been enacted to discredit both Haren and his religion since Psychoanalysis as is, is unacceptable to a Roman Catholic, The Holy Bible, The Catholic Press Inc.

Admittedly no attorney with a proper educa-

tion in proper proceedure, under the jurisdiction of Title 42 USCS 1983, the use of the applicable enumerations of the Constitution and of both Federal and State statutes was to help explain the magnitude of this infraction and its implications with respect to the impact this act had on Haren, his family, all of whom where under the age of eighteen during that period, and all else who where directly involved.

The number of single acts that have been mentioned in the original statement of case that by themselves have legitimate grounds for legal action and damages is the basis for such huge demands, and the very questionable proceedure that has been carried out by the Co-Respondents, that has delayed action has forced Haren to also demand Intervening Damages along with Continuing Damages, Irreparable Damages, Punitive Damages, Pecuniary Damages, and Compensatory Damages.

It was an act of vengence, plain and simple that had absolutly no social redeem-

ing factor what so ever, and in the five and one half years since this case was entered in the United States District Courts, Oct. 1980, there has been only one Judge that has ruled on the subject matter of the case itself and had immeadiatly set a tenative trial date (PE-3), and with two Orders, had struck down motions from both the City of Canton, Ohio et.al., and the County of Stark, Ohio et.al., and had upheld Harens plea, (PE-4&5).

It has been Harens intention, and all efforts have been directed to, atrial by jury, the six member jury that is available to the Petitioner in suits of this nature. The copy of the docket sheet from the original case (PE-2), clearly shows the avenues that Haren had exausted prior to the two full appeals (PE-13&17), and two Writs of Mandamus (PE-13&14), in an effort to secure a trial by jury.

Since the Order of Transfer (PE-6), has been enacted, in the three years and nearly three full months till the Order that has brought this before the United States Supreme

Court (PE-1), not one solitary motion of the Petitioner has been ruled upon. And in two instances that have been brought before the Sixth Circuit Court of Appeals, the Petitioner had motions that where sent to the United States District Court that where either ignored or discarded, and are not even listed on the origonal docket sheet.

The Co-Respondents can only demand venue and nothing more, yet with motions (PE-11&12) the City of Canton, Ohio et.al., is not only also complaining of "misplaced" motions, but is complaining of motions that had been ruled on, and an Order issued a full twenty-three months earlier, and with no notice of that fact incredibly United States District Court grants the motion.

The very credibility of the City of Canton, Ohio et.al., is completely visiable to judge with (PE-10), in that the motion is proof of serviced 11/6/84, yet stamped plainly on the first page as just recieved in that office, 1/10/85, a full sixty-five days later. And,

United States District Court rules on that same motion (PE-7) on Jan. 11, 1985, one day after it had been mailed to Haren, post-mark on the envelope reads Jan. 10, 1985, thus seemingly closing the door on what was obviously a conspiracy and kidnapping, and all the while the complete case was in the Sixth Circuit Court of Appeals, on Appeal.

This vicious act must be brought to the full attention of the United States Attornry Generals Office, and the full vindication of a citizens rights rights must be upheld.

REASONS FOR GRANTING WRIT

In all the defense arguments the fact that the false charge, the causeing factor of the ensuing chain of events, did indeed come from the offices of the City of Canton, Ohio et.al is not fully enumerated. It is either ignored or quickly passed over with emphasis placed on single incidents that each have claimed the named Co-Respondents could not be held accountable. Placed together the completed picture is one of innocents for supposed lack

of jurisdiction, innocents from acts of sub human origin.

The two factors that Haren must prove to have jurisdiction under Title 42 USCS 1983 are that Haren was denied a Federally protect -ed right, and that the named Co-Respondents cupable conduct has caused the deprivation, Santiago v. Philadelphia. So the inclusion of Title 28 USCS 1343 is to confer full Federal jurisdiction for vindication of Rights of Action provided by Title 42 USCS 1983, Blue v. Craig, ana since the acts of Conspiracy and Kidnapping are evident, as are the gross infringements of the enumerations of the Constitution, the Civil and Inherient Rights of Haren, Title 42 USCS 1985 (3) was incorporated as Co-juris.

A Conspiracy was initiated when the false charge was placed in the United States Mail, to Haren, from one of the offices of the City of Canton, Ohio et.al., the subsequent action there-after is called Kidnapping since Title 18 USCS 1201 states in part, "whoever unlaw-

fully seizes, confines,inveigles, decoys, kidnaps, abducts, or carries away and holds", has committed the felony of Kidnapping. The allegations was further confirmed by the statement to Haren from a male attendent who worked at Canton Aultman Hospital, who, on the 19 of Jan.. 1979, after treating Haren for multiple injuries from a severe beating that was inflicted while a prisoner in the Stark County Jail, had said,"Now mabe you'll do something for us".

Conspiracy can be brought under Title 42 USCS 1983, Wade v. Bethesda Hospital, and Rundle v. Madigan, and since the Conspiracy and subsequent Kidnapping did in fact deny Haren of Federally protected rights, the ensuing Court Orders and Administrative Judgements that were issued to the named Co-Respon -dents, who in turn carried out their respective civil service duties, is the very proof that the Co-Respondents did indeed act under color of State law.

The actions in the lower Federal Courts

prior to the Order, March 28, 1985 from the Sixth Circuit Court of Appeals, has been the source of prime concern, hence this Petition is being entered under Rule 17, 1(a), Jurisdiction on Writ of Certiorari, Rules of the United States Supreme Court.

To avoid confusion, judgements and other documents have been numbered, and where refer-ed to in this statement by number, they will appear in the Appendix with the same number.

Since persons who are denied rights gaurnteed to them under Federal law may vindicate these rights in appropriate cases in the Federal Courts including direct appeal to the United States Supreme Court, bring suit for damages under Title 42 USCS 1983 or envoking criminal sanctions under Title 18 USCS 241-242-245, Greenwood v. Peacock, a Tort Personal Injury suit that included a trial by jury with criminal sanctions laid under the appropriate statutes is the intention of the Petitioner since the respondent superior doctrine does not apply in cases in which only

monetary damages are sought, Fleenor v. Adams, and Moore v. Buckles.

The immunities claimed, even the judicial immunities do not exist in suits under Title 42 USCS 1983 when the Co-Respondents have act -ed in a clear absence of jurisdiction, Wiggins v. Hess, and Harley v. Oliver, yet United States District Court (PE-7&9) has allowed such a claim and allows the State to dictate on questions of jurisdiction and im- munities to the Federal Courts in matters con -cerninr a claim laid under Title 42 USCS 1983, when in Kerr v. United States District Court for Northern District, it states plain- ly that action instatuted in Federal Courts under Title 42 USCS 1983 is not subject to State enacted claims of privilege where States intrest is that of litigant and refer- ence to Federal Law is nesessary to determine existance and scope of claimed privilege, and Wade v. Bethesda Hospital, Federal not State law controls immunity questions in suits under Title 42 USCS 1983. And, That no grant

of immunity by State is binding in Federal Courts in actions brought under Title 42 USCS 1983, Atchison, T.& S.F.R.C. v. Lopez.

Not once has the United States District Court ruled on the subject matter of the original case or has even acknowleged a motion of the Petitioner since the Order of Transfer was issued (PE-6), and an unexplained policy of silance has been in effect since that time.

Clearly displayed in the Appendix are the judgements and documents showing the very questionable proceedure that has forced Haren to demand Interveining Damages, and only serves to amplify the need for prosecution under the criminal sanctions listed.

Motions where recieved by Haren from the County of Stark, Ohio et.al., (PE-8) missing pages, but what was on the remaining pages can not be termed as a legitimate defense as Haren has entered, along with the original case, the actual records from both the Stark County Jail and Canton Aultman Hospital, yet

the Sixth Circuit Court of Appeals has seen fit to permit the empty argument, and dismissed all the outstanding motions (PE-1) and the case itself, and again the subject matter of the case is ignored.

Listed on the docket sheet of C81-1999-A, the original case, Item 71is a motion for a Point of Order from Haren that was filed after the Order (PE-9), that complained loudly and with authority that the United States District Courts was not acting as a neutral party, and again had not issued that Order on the merits of case and argument, and was clearly acting as attorneys for the Co-Respondents.

The entire incident did happen, Haren now carries the scars from it, and has lost all he had worked for, for years, and is complet-ly concerned at the workings of the United States District Courts, who with the evidance of the case in their posession have seen cause to take up the Co-Respondents unbeliev-able cause.

With orders (PE-3,4&5), United States District Court clearly recognizes the Constitutional rights violations, in (PE-8), Co-Respondent County of Stark, Ohio et.al., themselves admit recognizing factual allegations, yet United States District Court with order (PE-9) cannot find any factual allegations and subsequent juris,in this, a Tort Personal Injury Suit.

For these and all the other very valid reasons brought before this Court, we are asking that a Writ of Certiorari be granted.

Respectfully submitted,
In Pro Per

George E. Haren

George E. Haren
4130 N. 12th St.
Apt. #28
Phoenix, Arizona
85014

APPENDIX (PE-1)

-17-

No 84-3306

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GEORGE EDWARD HAREN, Plaintiff- Appellant v. CITY OF CANTON, COUNTY OF STARK, STATE OF OHIO, Defendants-Appellees	FILED Mar 28, 1985 John P. Hehman, Clerk O R D E R

BEFORE: KEITH, JONES, and KRUPANSKY, Circuit Judges

This matter is before the Court upon consid-eration of plaintiff's various miscellaneous motions and the appeal has been referred to this panel of the Court pursuant to Rule 9(a) Rules of the Sixth Circuit.

It appears from the record that the dist-rict court entered an order on March 19, 1984, dismissing the complaint as to the State of Ohio and Stark County. Plaintiff on April 11, 1984, appealed from the March 19, 1984, order. The action as to the remaining defendant,

City of Canton, was dismissed on January 11 1985.

The March 19, 1984, order which plaintiff appealed disposed of fewer than all the parties involved in the action. The district court did not expressly determine that there was no just reason for delay and did not direct entry of a final judgment pursuant to Rule 54(b), Federal Rules of Civil Procedure. Therefore, the order of March 19, was not final and appealable. McIntyre v. First National Bank of Cincinnati, 585 F.2d 190 (6th Cir. 1978): Moody v. Kapica, 548 F.2d 133 (6th Cir. 1976); Oak Construction Company v. Huron Cement Company, 475 F.2d 1220 (6th Cir. 1973).

It is ORDERED that the plaintiff's miscellaneous motions be denied and the appeal dismissed for lack of jurisdiction. Rule 9(d)(1), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

_____

Clerk

APPENDIX (PE-2)

-19-

RECORD OF ENTRYS FROM DOCKET SHEET C81-1999-A

Date filed, Oct 6, 1981, U.S.District Court Cleveland, Ohio, on venue from U.S.District Court, Central Division, Los Angeles, Ca., where it was originally filed, Oct 25, 1980.

10/681 (1) MOTION tc proceed in forma pauperis filed.

10/8/81 (2) ORDER denying pltf's motion to proceed in forma pauperis filed, Contie. J. Copies mailed 10/8/81. (NOTED 10/8/81).

10/9/81 (3) AFFIDAVIT of pltf. in support of Motion to proceed in forma pauperis filed.

10/20/81 (4) ORDER denying petitioner's motion to proceed in forma pauperis light of his affidavit in support filed. Contie, J. Copies mailed 10/21/81. (NOTED 10/21/81).

10/21/81 (5) COMPLAINT filed. Summons issued. Three copies of complaint with three copies of summons issued to U.S.Marshal for service with summons & complaint.

10/21/81 (6) ADDED TESTIMONY of pltf. filed. Three copies issued to U.S.Marshal for service with summons & complaint.

10/27/81 (7) CORRECTION of pltf. & add'n, page 8 filed. No service.

10/27/81 (8) CORRECTION of pltf. & add'n to page 72 filed. No service.

11/5/81 (9) MOTION of deft. State of Ohio (John Doe) to dismiss complaint with memorandum in support filed. Copy mailed 11/4/81.

11/9/81 (10) MOTION of pltf. in opposition to motion for extension etc. filed Copy mailed 11/6/81.

11/9/81 (11) MOTION of pltf. demanding jury trial & refusing to accept trial by mail filed. Copy mailed 11/6/81.

11/9/81 (12) MOTION of deft. County of Stark for order directing pltf. to make defin-ite & certain allegations of complaint relating to claimed liability on part of County of Stark with memorandum in support filed. Copy mailed 11/4/81.

11/9//81 (13) MOTION of deft. County of

Stark for 30 day extension of time to move or plead to complaint filed. Copy mailed 11/4/81.

11/9/81 (14) LETTER from plaintiff with exhibits originally placed in file plus some corrections & additions filed.

11/11/81 (15) ORDER that discovery be completed on or before 1/17/82 and that trial may be scheduled any time on or after 3/29/82 filed. Contie, J. Copies mailed 11/11/81. (NOTED: 11/11/81).

11/11/81 (16) NOTICE of trial on or after 3/29/82 mailed.

11/12/81 (17) MARSHAL'S RETURN re (3) Summons & complaint filed. Served Governor, State of Ohio, City of Canton, Ohio and Commissioners Office, Stark County, Ohio 10/27/81. Fees $18.00.

11/13/81 (18) MOTION of deft. City of Canton, Ohio for definite statment and motion to strike filed. Copy mailed 11/21/81.

11/16/81 (19) MOTION of pltf. for jury trial filed. Copy mailed 11/13/81.

11/16/81 (20) MOTION of pltf. that trial date be set at earliest time period filed. No service.

11/16/81 (21) ORDER denying pltf's motion to deny deft. Stark Co's motion for extension of time to move or plead. Further, Court denies pltf's motion for an end to "trial by mail" filed. Contie, J. Copies mailed 11/16/81. (NOTED 11/17/81).

11/16/81 (22) ORDER denying deft. Stark County's motion for more definite statement; and grant's deft's motion for extension of time to move or plead to 12/4/81 filed. Contie, J. Copies mailed 11/16/81. (NOTED 11/17/81).

11/18/81 (23) ORDER granting pltf's motion to deny City's motion for more definite state-ment. Further, Court denies pltf's motion for earlier trial date filed. Contie, J. Copies mailed 11/18/81. (NOTED 11/18/81).

11/18/81 (24) ORDER denying motion of deft. City of Canton, for more definite state-ment, and Court denies City's motion to

strike filed. Contie, J. Copies mailed 11/18/81. (NOTED 11/18/81).

11/19/81 (25) CORRECTION of plaintiff to page 76 of complaint filed. Copies mailed 11/19/81.

11/20/81 (26) LETTER from plaintiff regarding his ignorance of the proper procedure filed.

11/23/81 (27) MOTION of pltf. for return of all exhibits filed. Copies sent 11/20/81.

11/24/81 (28) NOTIFICATION of pltf. of new address as of 12/3/81.

11/24/81 (29) ORDER denying pltf's request for return of documents & waives requirements of items 11,12,&13 (exhibits already in possession of Court) ih its pretrial order, etc. filed. Contie, J. Copies mailed 11/25/81. (NOTED 11/25/81).

12/4/81 (30) MOTIOM of defts. to dismiss with memorandum in support filed. Copy mailed 11/30/81.

12/21/81 (31) LETTER from pltf. indicating his return from San Diego, Cal. filed.

12/23/81 (32) PROPOSED questions for jury of pltf. filed. NO service.

12/30/81 (33) QUESTION of pltf. on procedures filed. No service.

1/6/82 (34) ORDER denying pltf's motion filed 12/30/81 filed. Contie, J. Copies mailed 1/6/82, (NOTED 1/6/82).

1/7/82 (35) ORDER transferring action to the docket of the Hon. Alvin I. Krenzler. Further, that the previously scheduled status call and trial date is hereby vacated filed. Contie, J. Copies mailed 1/7/82. (NOTED 1/7/82).

1/26/82 (36) QUESTION of pltf. on procedure or possible confusion filed. Copies mailed 1/14/82.

1/27/82 (37) MOTION of pltf. re; discovery & trial date filed. Copies mailed 1/26/82.

2/9/82 (38) NOTIFICATION of address change of pltf. after 2/13/82 filed. Copies mailed 2/8/82.

2/11/82 (39) MOTION of pltf. re: Title 42: 1983 filed. Copies mailed 2/9/82.

2/19/82 (40) NOTICE of clarification by pltf. filed. Copies mailed 2/16/82.

3/23/82 (41) DEMAND of pltf.for recognition of proposed rules filed. Copies mailed 3/1/82.

4/13/82 (42) LETTER from pltf. re; rules filed. Copies mailed 4/5/82.

4/13/82 (43) CHANGE of address from pltf. filed. Copies mailed 4/12/82.

5/5/82 (44) LETTER from pltf. re; settlement agreement filed. Copies mailed 5/3/82.

5/11/82 (45) LETTER from U.S. Court of Appeals re; Writ of Mandamus filed by pltf. #82-8348 re; transfer from Judge Contie, Jr. to Judge Krenzler filed.

5/11/82 (46) LETTER from pltf. re; withdrawal of 2 legitimate proposals made by pltf. dated 3/11/82 & 3/12/83 filed,

6/14/82 (47) LETTER from pltf. re; amended & clarfied co-defts & withdrawal of page 1 of feduciarys.

6/22/82 (48) NOTICE of change of address of pltf. filed.

8/17/82 (49) LETTER from pltf. re; proced-

ure filed.

12/15/82 (50) TRUE copy of order from the U.S. Court of Appeals for the Sixth Circuit denying petition for a Writ of Mandamus filed, LIVELY, MARTIN & WELLFORD Circuit Judges.

1/18/83 (51) MOTION of pltf. for 2nd amendment to money demand filed. Copies mailed 1/10/83.

2/3/83 (52) NOTICE of pltf. of appeal received and filed. Copies to counsel & to U.S.

2/8/83 (-) COMPLETE record with transmission forms and copy of docket entries forwarded to the U.S. COURT of Appeals for the Sixth Circuit.

2/9/83 (53) APPLICATION of pltf. to proceed in forma pauperis, supporting documents filed.

2/14/83 (54) RECORD received in U.S.C.A., 2/9/83 and filed on 2/10/83, Case No. 83-3089.

9/22/83 (55) RECORD received in U.S.C.A., 2/14/83 - Case No. 83-3089.

9/22/83 (56) TRUE copy of Order issued as a Mandate from the U.S.C.A., on 9/20/83 dismiss

-ing pltf's appeal, pur. to Rule 9(d)(1) Rules of 6th Circuit; further order leave to proceed in forma pauperis on appeal is denied, filed. Lively, Jones & Wellford, Circuit Judges. (Record received)

10/13/83 (57) REQUEST of pltf. for change of Judges filed.

10/17/83 (58) LETTER from pltf. with papers describing action pltf. has taken concerning case filed.

10/19/83 (59) MOTION of deft. City of Can -ton for leave until 12/15/83 to move or plead, with brief in support filed. Copies mailed 10/18/83.

11/18/83 (-) ENDORSED order granting request of pltf. for change of Judges filed, Krenzler, J. Copies issued. (NOTED 11/21/83).

11/21/83 (60) ORDER returning case to the Clerk's Office for reassignment by random draw, having granted pltf's motion for change of Judges & pur. to Title 28. Section 455, U.S. Code & Local Rule 7.09 filed. Krenzler, J. Copies issued. (NOTED 11/21/83). JUDGE

BELL DRAWN.

1/24/84 (61) MOTION of plaintiff to proceed with litigation filed. Copies mailed 1/17/84. CF 1/23/84.

1/27/84 (62) LETTER of David J. Kovach, atty. for defendant, of change of address filed.

1/27/84 (63) MOTION of defendant, City of Canton, for leave to file answer instanter with memorandum in support filed. Copies mail -ed 1/26/84. 1/30/84, ENDORSED ORDER GRANTING motion filed. Copies mailed 2/1/84.

1/30/84 (64) ANSWER of defendant City of Canton (John Doe) to plaintiff's complaint filed. Copies mailed 1/26/84.

2/1/84 (65) MOTION of plaintiff to proceed with litigation filed. Copies mailed 1/25/84.

2/17/84 (66) MOTION of plaintiff to proceed with litigation filed. Copies mailed 2/10/84.

2/22/84 (67) MOTION of plaintiff to proceed with litigation filed. Copies mailed 2/18/84.

2/22/84 (68) MOTION of plaintiff to proceed with litigation filed. Copies mailed 2/15/84.

3/16/84 (69) ORDER that State of Ohio is DISSMISSED, without prejudice, for lack of jurisdiction; FAUTHER defendant Stark County s DISMISSED for failure to state a claim upon which relief can be granted filed. Bell, J. Copies mailed 3/19/84.

4/11/84 (70) NOTICE of appeal of plaintiff/ appellant filed. No service. Notice mailed to George E. Haren; John S. Coury, Dale T. Evans and David J. Kovach; U.S. Court of Appeals on 4/12/84. Fee pd. 4/12/84 receipt #112869 $70.00.

4/16/84 (71) MOTION of plaintiff for point of order with letter attached filed.

APPENDIX (PE-3)

CONTIE,J. -30-

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

GEORGE EDWARD HAREN Plaintiff(s), vs. CITY OF CANTON, et.al. Defendant(s)	FILED Nov.11, 1981 U.S.DISTRICT COURT Akron, Ohio Civil Action No. C81-1999-A TRIAL NOTICE

TAKE NOTICE the above captioned case has been set as a standby case for trial on or after March 29, 1982 in the Courtroom of the Honorable Leroy J. Contie, Jr., located on the Fifth Floor, Federal Building, U.S. Court-house, 2 South Main Street, Akron, Ohio.

Since this case is designated as a standby case, it shall be the responsibility of counsel to keep in contact with this office concerning the exact date and time of trial.

This matter will remain on a standby status subject to call for a period of two (2) weeks. At the option of the Court this standby period may be extended by notification to

counsel before the expiration of the two week period. If this case is not called for trial during the standby period, it will be reassigned to another date.

Any request for a change of trial date must be promptly made in writing stating the reasons for the request.

Traci A. Lancy
Courtroom Deputy Clerk
(216) 375-5704

Cc; George E. Haren
Michael A. Noonan
Dale T. Evans
City of Canton, Ohio

CONTIE, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEORGE EDWARD HAREN Plaintiff(s), vs. CITY OF CANTON, et.al. Defendant(s)	FILED Nov.11, 1981 U.S.DISTRICT COURT Akron, Ohio ORDER

IT IS ORDERED AS FOLLOWS:

1. All discovery is to be completed on or before January 17, 1982.

2. You are directed to proceed uninterrupted -ly with your discovery. No extension of the discovery date or postponement of trial will be granted for the reason that discovery was delayed pending the filling of an answer or other pleading or pending the ruling by the Court on any motion.

3. All motions must be submitted to the Court no later than seven (7) days after the completion date for discovery unless written leave of Court is first obtained.

4. Motions to add parties shall not be made more than sixty (60) days after the filing of the complaint unless written leave of Court is first obtained.

5. The within action may be scheduled for trial at any time on or after March 29, 1982. (All counsel, including counsel in standby cases, shall be ready for trial on the date indicated on the trial notice.)

6. Complete trial briefs shall be filed with the Court at least one (1) week before the date shown on the Trial Notice. (Counsel are only required to exchange briefs when tendered a copy of opposing counsel's brief.)

7. Counsel shall meet at least ten (10) days prior to the date shown on the Trial Notice to determine whether they can enter into stipulations relative to the facts or the issues.

8. Written stipulations, if any, agreed to by all counsel shall be submitted to the Court no later than two (2) working days before the date on the Trial Notice.

9. In the event that parties cannot agree to stipulations at the conference required in (7) above, no later than seven (7) days prior to the date on the Trial Notice, counsel shall submit in writing statements setting forth that they have met and that they cannot agree on any stipulations.

10. A list of proposed witnesses shall be furnished to the Court no later than two (2) working days before the date on the Trial Notice.

11. Two (2) copies of all exhibits proposed to be introduced at trial along with an index of the exhibits containing a brief description of each exhibit shall be furnished to the Court no later than two (2) working days before the date on the Trial Notice.

12. All exhibits shall be marked before trial with official exhibit stickers, which are available from the clerk on request. The plaintiff shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the party's

last name . (i.e. "1-Miller" or "A-Jones"). If the defendant has more than 26 exhibits, double letters shall be used (i.e. AA, BB, CC, etc.)

14. In all non-jury cases, counsel shall sub-mit in writing what they believe to be the issues in the case no later than two (2) work-ing days before the date on the Trial Notice.

15. In all non-jury cases, proposed findings of fact and conclusions of law shall be sub-mitted to the Court no later than two (2) working days before the date on the Trial Notice. (Counsel are not required to exchange proposed findings of fact and conclusions of law with opposing counsel.)

16. In all jury cases, any proposed voir dire questions to be asked of the jury panel shall be submitted to the Court, at least one (1) week before the date on the Trial Notice. (The Court will conduct the voir dire examin-ation of the jury.)

17. In all jury cases any proposed jury in-structions to be included in the charge of

the Court shall be submitted to the Court at least four (4) working days before the date on the Trial Notice. (Counsel are required to exchange copies of the proposed jury instructions.)

18. The date referred to within paragraphs 6 through 17 of this Order is the date contained in paragraph 5, which is also the date on the Trial Notice.

19. The within action having been assigned to this Court, all motions, responses, stipulations, proposed witness lists, exhibits, issue statement, proposed findings of fact and conclusions of law, proposed voir dire questions, proposed jury instructions, trial briefs, and any other matters presented to the Court shall be filled only with the Clerk in Akron, Ohio, and not with the Clerk in either Youngstown or Cleveland, Ohio.

20. All materials presented to the Court shall be deemed to have been filed on the date that they are time stamped by the Clerk in Akron, Ohio.

21. All counsel are required to notify this office of any address and or telephone number changes by letter immediately to insure proper notification.

22. In the event your case is a jury trial, counsel are required to remain on the fifth floor on this building during jury deliberations. If, at any time you need to leave the fifth floor to go to another floor, you are required to notify the courtroom deputy where you can be located.

Leroy J. Contie, Jr.
U.S. District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEORGE EDWARD HAREN)
Plaintiff,)
)
vs.)
)
STATE OF OHIO, et.al.)
Defendants.)
)

FILED
Nov. 16, 1981
U.S.DISTRICT COURT
Akron, Ohio

Civil Action C81-1999A

ORDER

Before the Court are the motion of defendant Stark County (1) for a more definite statement, and (2) for an extension of time in which to move or plead. The Court will deny the former motion and grant the latter.

Defendant bases its request for a more definite statement, pursuant to Rule 12(e), Federal Rules of Civil Procedure, on the rambling nature of the pro se complaint.

Plaintiff has filed a neatly typed 93-page complaint. The bulk of the complaint consists of lists of statutes and constitutional provisions. Interspersed among the statutory material is the narrative account of plain-

tiff's grievance. On the whole, this account is presented in chronological sequence and written in coherent English. That which plaintiff alleges was done to him in violation of his constitutional rights is discernable from the face of the complaint.

Admittedly, the Court is unable to determine the relevance of many of the cited statutes. Nonetheless, the connection between many of the facts alleged and the denial of specific constitutional rights is clear.

In conclusion, the Court does not find that the complaint "is so vague or ambiguoue that a party cannot reasonably be required to frame a responsive pleading." Rule 12(e). However, because the defendant may need to analyze the complaint before responding to it, the Court will grant the motion for an extension of time in which to move or plead.

Accordingly, the Court hereby denies defendant Stark County's motion for a more definite statement. Further, the Court hereby grants defendant's motion for an extension

of time to move or plead until December 4, 1981.

IT IS SO ORDERED.

Leroy J. Contie, Jr.
U.S. District Judge.

APPENDIX (PE-5)

CONTIE, J. -41-

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEORGE EDWARD HAREN Plaintiff, vs. STATE OF OHIO, et.al. Defendants.	FILED Nov. 18, 1981 U.S.DISTRICT COURT Akron, Ohio Civil Action C81-1999A ORDER

Before the Court are two motions of the defendant, City of Canton: (1) for a more definite statement pursuant to Rule 12(e), Federal Rules of Civil Proceedure, and (2) to strike matter pursuant to Rule 12(f). The Court will deny the motions.

Plaintiff has filed a neatly typed 93-page complaint. The bulk of the complaint consists of lists of statutes and constitutional provisions. Interspersed among the statutory material is the narrative account of plaintiff's grievance. On the whole, this account is presented in chronological sequence and

written in coherent English. That which plaintiff alleges was done to him in violation of his constitutional rights is discernible from the face of the complaint.

The City requests that the Court require the plaintiff (1) to identify the dates of the acts allegedly committed by the City and (2) to clarify which of the actions complained of he attributes to the activities of the City. The City may obtain any such information not contained in the complaint through the discovery process. Rule 12(e) is not intended to provide a substitute for discovery but only to enable a party to frame a responsive pleading. The Court does not find the complaint presently too "vague or ambiguous" to answer.

The City moves to strike "all statutory (Federal and State) references and case law references which have no pertinence to the within lawsuit." Because the City has not specified which statutory references it finds objectionable and why they should be delet-

ed, the Court will deny the motion to strike.

Accordingly, the Court hereby denies the motion of the defendant, City of Canton, for a more definite statement. Further, the Court hereby denies the City's motion to strike.

IT IS SO ORDERED.

Leroy J. Contie, Jr.
U.S. District Judge

APPENDIX (PE-6)

CONTIE, J. -44-

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

GEORGE EDWARD HAREN Plaintiff(s), vs. CITY OF CANTON, et.al. Defendant(s).	FILED Jan. 7, 1982 U.S.DISTRICT COURT Akron, Ohio Civil Action No. C81-1999-A ORDER OF TRANSFER

IT IS ORDERED that the above entitled cause of action is transfered to the docket of the Honorable Alvin I. Krenzler in accordance with the protocol establishing a new docket for a newly appointed district judge.

IT IS FURTHER ORDERED that the previously scheduled status call date and trial date is hereby vacated.

Leroy J. Contie, Jr.
U.S. District Judge

APPENDIX (PE-7)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE SAM H. BELL

GEORGE EDWARD HAREN Plaintiff(s) vs. CITY OF CANTON, et.al. Defendant(s)	FILED Jan. 7,1985 U.S. DISTRICT COURT Akron, Ohio CIVIL ACTION No. C81-1999-A ORDER

The court having filed its orders on 16 March 1984 and January 1985 granting the motions of the various defendants for dismissal, therefore, pursuant to Fed. R. Civ. P. 58.

IT IS ORDERED that this action is hereby dismissed, in its entirety, with prejudice, at plaintiff's costs.

_____

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE SAM H. BELL

GEORGE EDWARD HAREN Plaintiff, vs. CITY OF CANTON Defendant.	FILED Jan. 11, 1985 U.S.District Court Akron, Ohio CASE NO.C81-1999-A

ORDER

Presently before the court is a motion to dismiss this action filed by the sole remaining defendant, the City of Canton. This motion was filed on November 7, 1984, but as of this date the plaintiff has failed to respond in any manner. The jurisdiction of this matter is presumably predicated on 42 U.S.C. Section 1983.

Earlier in this litigation the court granted on March 16, 1984, motions to dismiss this action that were filed by the State of Ohio and Stark County, Ohio. As in the case of the earlier rulings the court must view the allegations in the complaint in a manner most favorable to the plaintiff and against

the City of Canton, Associated General Contractors of California, Inc. V. California State Council of Carpenters, _U.S._, 103 S.Ct. 897, 902 (1983): Worth V. Seldin, 422 U.S. 490 (1975): Scheuer V. Rhodes, 416 U.S. 232, 236 (1974). Further since the plaintiff has proceeded pro se, the court must find that the complaint contains no set of facts that would support a legal claim for relief. Conley V. Gibson, 355 U.S. 41, 45.46 (1957).

The facts, so alleged in the complaint, in-volving the City of Canton are concerned with an incident surrounding his arrest by members of the Canton Police Department. At some point during this arrest a member of the Police Department allegedly beat the plaintiff. This unnamed officer is not a party to this action, nor is it alleged that the police acted in this manner as part of policy or practice of the City of Canton.

These allegations if proven would not be sufficient to state a claim against the City of Canton. The law is clear that a plaintiff

must allege and eventually prove that any alleged deprivation of a Constitutional right by a municipality must be the result of policy or practice of the government body, Monell V. New York, 436 U.S. 658 (1978). The alleged actions of one individual police officer is not attributed to the city absent some involvement of a policy or practice of the city.

In this action there is no allegation in the ninety-three page complaint, that any policy or practice of the City of Canton is involved in the case. In addition there is no claim that the City of Canton failed to train or supervise the unnamed police officer who allegedly beat the plaintiff. Therefore, pursuant to Monell V. New York, supra, the plaintiff, has also failed to state a claim against this remaining defendant.

Accordingly, the City of Canton's motion to dismiss is hereby granted and the remaining claims in this action are dismissed for

failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

SAM H. BELL
U.S. District Court Judge

U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT

GEORGE E. HAREN, Appellant,	:	
vs.	:	CASE NO. 84-3306
CITY OF CANTON, et.al. Appellee.	:	

ON APPEAL FROM THE U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIEF OF APPELLEE COUNTY OF STARK

(Note: This brief is incomplete since page 6 is deleted from the briefs I received from the Appellee, County of Stark, and what you now read, is what I have on file.)

ASSIGNMENT OF ERROR NO. 1.

THE TRIAL COURT DID NOT ERR IN SUSTAINING THE MOTION TO DISMISS FILED BY APPELLEE STARK COUNTY, ASSERTING APPELLANT'S COMPLA - INT FAILED TO STATE A CLAIM FOR RELIEF.

His Honor, Judge Bell, in ruling on app-ellant's motion, first observes that app-

ellant had failed to respond to the motion to dismiss filed by appellee and further noted the court would accept as 'true', the allegations of the complaint for purposes of analyzing the motion to dismiss pursuant to Rule 12(B) of the Federal Rules of Civil Procedure.

Liberally sprinkled among the various constitutional, statutory and case law citations are a total of 34 factual allegations raised by the plaintiff. None of these allegations demonstrate the maintenance of a policy or practice on the part of the County of Stark (ostensibly by its commissioners) giving rise to any deprivation of constitutional rights on the part of the plaintiff. Thus, while certain named individual officers of the Canton City Police Department and the Sheriff, or his deputies, may be liable to plaintiff for damages arising out of the claim set forth in the petition, it is clear that no cause of action is stated against Stark County as an entity.

The factual allegations alleged are discussed in chronological order as set forth in the complaint;

1. Plaintiff alleges he was charged with telephone harassment by city police prosecutors (page 1). No allegation is made against the county.

2. He makes allegations concerning his hospitalization, arrest and trial and states certain facts regarding his relationship with complainant Garcia and his arrest by Canton Police (pages11 and 12). No allegations are made against the county.

3. He alleges he was released on bond, suffered some marital problems and his home was searched by unknown persons (page 14).

4. He makes allegations as to injuries received from unknown authorities, his identif -cation and subsequent arrest on a bench warrant (page 23). No allegation is made against the county.

5. He alleges he was arrested by the Louis -ville Police Department and two plain

clothes police officers (unidentified): that he placed a call to Attorney Frank Menster; and was subsequently placed in the Canton City Jail (page 24). No allegations were made against the county.

6. He makes allegations concerning the conditions of his confinement in the Canton City Jail, including nonspecific allegations of religious deprivation there based on quotes from cases and annotations (page 26). No allegation is made against the county.

7. He makes allegations concerning his three-day confinement in the Canton City Jail and the conditions prevailing at that location (page 31). No allegations are made against the county.

8. He states he was transferred to the Stark County Jail and cites the finding of "incompetence" by Dr. Elazar and the appointment of a guardian (page 32). No allegations are made against the county.

9. He alleges he was transferred by the Sheriff's office, mostly in chains, and enter

-ed the Massillon State Hospital on July 24, 1978 (page 35).. No allegations in this regard reflects on the county as a whole.

10. He alleges he was detained for 31 days and confined in the Massillon State Hospital and complains of various improper conditions existing (page 39). Again, no allegations were made against the county.

11. He makes allegations with regard to his friendship with one Peter Luzgie and speaks of his return to the Stark County Jail where he claims to have been denied access to his attorney, trial and religious services (pages 40-41). No allegation is made that these allegations result from or arise out of any policy or practice engendered by the County of Stark.

12. He claims he was required to enter a coerced plea in the Canton City Municipal Court (page 42). No allagation concerning the county is made.

13. He alleges he was divorced while in coustody.

14. He alleges he was promptly released after his plea and put on probation, which included mental health treatment (page 44).

15. He claims he retained Attorney Harry Schmuck to "clear the situation" and to handle the divorce matter, and also spoke to the FBI (page 46). No allegations are made as to the county.

16. He states he violated his probation and went to Cleveland in December, 1978, and there leased a car, which was stolen and recovered (page 49). Again, no allegation is made against yhe county.

17. He claims he arranged to pick up complainant Garcia to go to see the FBI (page 50).

18. Apparently, when he went to pick her up and pulled up to her house (at which time he had a hunting knife in the car), a black Buick automobile pulled in behind him and he was assaulted by one or more individuals, receiving broken ribs and nose. He tentatively identified one of these individuals as

Sgt. Diamond, a Canton police officer. He was handcuffed, searched and three Canton patrol cars responded. He was booked into the

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Missing page 6)

27. He describes an uneventful trip to the municipal court and his return (page 74).

28. He claims to have been taken from the Stark County Jail to the municipal court in chains and sentenced to the Massillon State Hospital to be restored to reason (page 76). No allegation is made against the county.

29. He described his stay at the Massillon State Hospital, its conditions and his treatment there (page 79). Again, no allegation is made against the county.

30. He complains of the lack of religious services at Massillon State Hospital and claims that his family was threatened while he was an inmate there (pages 81-82). No claim is made of county involvment.

31. He recounts a rather interesting form of self therapy developed by himself through which he designed a cathedral in his mind,

apparently to pass time (page 84). No allegation is made as to the county.

32. He again describes the conditions of the Massillon State Hospital (page 86) with no county involvement.

33. He recounts his release from the Massillon State Hospital on October 23, 1979, and subsequent transfer to Brecksville veterans Hospital (page 88).

34. Finally, he describes his release from Brecksville Veterans Hospital and flight to Phoenix (page 90).

The county is clearly not liable for the acts of private individuals, city police officers, city prosecutors, city judges or the staff of the Massillon State Hospital. As to the involvement of the Stark County Sheriff's Department, in order for plaintiff to recover, he must demonstrate that the county maintained a policy or practice which gave rise to the deprivation of plaintiff's constitutional rights. Monell v. New York, 436 U.S. 658. See also Dominguez v. Beane, 25

Crl. 2371 (USCA 2/6/79) and Smith v. Hill, 29 Crl. 2066 (USDC Utah 3/810.

Because none of the factual allegations in the complaint give rise to a cause of action against the defendant, County of Stark, it is respectfully submitted that the judgment of dismissal entered by the Honorable Judge Bell should be affirmed.

JAMES R. UNGER
PROSECUTING ATTORNEY
STARK COUNTY, OHIO

BY: _____

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Attorneys for Defendant County of Stark.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JUDGE SAM H. BELL

GEORGE EDWARD HAREN Plaintiff, vs. CITY OF CANTON, et.al. Defendants.	FILED March 16, 1984 U.S.DISTRICT COURT Akron, Ohio CASE NO. C81-1999A

ORDER

On October 21, 1981, plaintiff George E. Haren (hereinafter Haren) filed the above-entitled action pro se against the City of Canton, Stark County and the State of Ohio. In Haren's ninety-three page complaint, he reproduces numerous portions of the Constitution of the United States and several statutes of both the United States and the State of Ohio. The jurisdiction of this court is presumably predicated upon 42 U.S.C. 1983.

This matter was originally before the Honorable Leroy Contie, but on January 7, 1982 this matter was transferred pursuant to court

order to the docket of the Honerable Alvin I. Krenzler. Haren petitioned the United States Court of Appeals for the Sixth Circuit for a writ of mandamus concerning the transfer of this case to Judge Krenzler: however, his petition was denied on December 13, 1982. Thereafter, Haren filed an appeal to the Court of Appeals which dealt with the merits of this action. Subsequently, this appeal was also dismissed for want of an appealable order. On November 12, 1983, Judge Krenzler at the request of the plaintiff recused, and this action was placed on the docket of this court.

Presently before this court are motions to dismiss filed by Stark County and the State of Ohio. The State of Ohio's motion was filed on November 5, 1981, while Stark County's motion was filed on December 4, 1981. An examinination of the record reveals that Haren has never responded to either of these motions. Instead, Haren has filed a "motion to proceed with litigation".

The court must accept as true the allegations of a complaint for purposes of analyzing a motion to dismiss pursuant to Rule 12 (b) of the Federal Rules of Civil Procedure. Associated General Contractors of California, Inc. V. California State Council of Carpenters, __U.S.__, 103 S.Ct. 897, 902 (1983). to dismiss Haren's complaint, the court would have to find beyond doubt that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). A summary of the facts contained in the complaint and construed in the manner set forth above reveals the following.

Haren was arrested by the Canton Police Department for harassing a Canton woman, a Miss Garcia. Eventually, Haren was found by a Stark County Court to be incompetent and a guardian was appointed on his behalf. There-after, he was transferred to the Massillon State Hospital for mental health treatment.

During Haren's stay at the Massillon

State Hospital and while he was in jail, he asserts that his living conditions were improper. In addition, he asserts that he and others suffered physical and mental abuse from various employees and inmates of those institutions.

After being released from the state hospit -al Haren was placed on probation which included mental health treatment. While on probation, the plaintiff went to the Federal Bureau of Investigation's office in Cleveland, Ohio. While he was at the F.B.I. office, Haren contends he was authorized by that agency to investigate his allegations. As part of his investigation, Haren made numerous contacts with Miss Garcia. Thereafter, Haren was arrested again for harassing Garcia. At the time of his arrest, the plaintiff was attempting to meet Garcia at her home. He ass -erts that when he was arrested by the Canton police, he was assaulted by one of the police -men. Haren was then placed in the Stark County Jail for a period of time where he

contends that he was beaten by the other inmates and regularly denied medical treatment by the guards. Later, Haren asserts that he was transferred to the Massillon State Hospital , where he was also beaten and abused. On October 23, 1979, Haren was transferred to the Brecksville V.A. Hospital, where he remained until November 30, 1979.

The State of Ohio contends that this action for money damages is barred by the Eleventh amendment. The law is settled "that an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State." Edelman v. Jordan, 415 U.S. 650, 663-664 (1974). Also see Martin v. University of Louisville, 541 F.2d 1171 (6th Cir. 1976): Soni v. Board of Trustees of University of Tennessee, 513 F.2d 347 (6th Cir. 1975).

Any alleged claim in this court against the State of Ohio which would be paid out of the state's treasury is barred by the Eleventh Amendment. The State of Ohio has not waived

its immunity from claims brought in federal or state courts. Section 2743.02 (A) of the Ohio Revised Code: State of Ohio v. Madeline Marie Nursing Homes, 694 F.2d 449 (6th Cir. 1982); Ohio Inns, Inc. V. Nye, 542 F.2d 673 (6th Cir. 1976), cert. denied, 430 U.S. 946 (1977). Therefore, Haren's alleged claims against the State of Ohio must be dismissed for lack of jurisdiction.

The claims asserted by the plaintiff against Stark County must be dismissed for failure to state a claim. The only factual allegations contained in the complaint which in any manner involves the county, concerns the treatment received by Haren during his incarceration in the Stark County Jail. However, none of these alleged facts are sufficient to emonstrate that the county maintained a policy or practice which gave rise to any deprivation of the plaintiff's Constitutional rights. Monell v. New York, 436 U.S. 658 (1978). Absent an allegation that the county has in some manner fostered a policy which

resulted in the deprivations, a county may not be found liable for the acts of its employees.

Accordingly, the State of Ohio is hereby dismissed without prejudice from this action for lack of jurisdiction over the subject matter. In addition, Stark County is dismissed for failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

SAM H. BELL
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Received
9 o'clock
Jan. 10, 1985
Canton Law Dept.

GEORGE EDWARD HAREN Plaintiff, vs. CITY OF CANTON, et.al. Defendants.	Judge Sam H. Bell CASE NO. C81-1999-A MOTION TO DISMISS

Now come the Defendants, City of Canton, the mayor and Office, and Law Director and Office, and respectfully move this Court to dismiss the complaint against these Defendants pursuant to Rule 12B, Federal Rules of Civil Procedure, for the reasons set forth in the following memorandum.

Respectfully submitted,
HARRY E. KLIDE, LAW DIRECTOR

John S. Coury
Assistant Law Director
Canton Law Department
City Hall Building
Canton, Ohio 44702

Phone: (216) 489-3251

Attornry for Defendant
City of Canton
Mayor and Office
Law Director and Office

MEMORANDUM IN SUPPORT
OF MOTION

In order for the Court to dismiss Plaintiff's complaint, the Court must find beyond doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Conley vs. Gibson, 355 U.S. 41, 45-46 (1957). The plaintiff contends that the following alleged facts form the basis of his claim against the City of Canton, and Mayor and Office, and the Law Director and Office:

1. Plaintiff alleges that he was charged with phone harrassment by City police prosecutors. (See page 1 of Plaintiff's complaint hereinafter referred to as "page").

2. Plaintiff makes allegations concerning his arrest on June 28, 1978 by Canton police officers, however, Plaintiff makes no allegation of any specific wrongdoing concern

-ing that particular arrest. Further, no allegations of any wrongdoing are made against the City of Canton, the Mayor and Office, and the Law Director and Office. (See page 12).

3. Plaintiff alleges that his home was searched by unknown persons. He moves no allegations against any of the moving Defendants. (See page 14).

4. Plaintiff alleges that he was arrested by Louisville police and two men dressed in plain clothes. (See page 24). He makes no allegations against the City of Canton, the Mayor and Office, and the Law Director and Office.

5. Plaintiff makes allegations concerning the conditions of his confinement in the Canton City Jail including nonspecific allegations of religious deprivation based on quotes and annotations. (See page 26 and 31). No allegation of wrongdoing is made against the City of Canton, the Mayor and Office, the Law Director and Office.

6. Plaintiff alleges he was required to enter a coerced plea in the Canton Municipal Court. (See page 42). Again no allegation of wrohgdoing is made against any of the moving Defendants.

7. Plaintiff alleges that he was arrested by Canton City police officers on December 24, 1978. He alleges he was assaulted by one or more individuals and that he believed one of those individuals was Canton Police Officer, Sgt. Diamond. He was handcuffed, searched and then taken to Canton City Jail. He alleges his car was also searched. (See pages 54 and 55). Again no specific allegations of wrong-doing are made against any of the moving Defendants.

8. Plaintiff alleges he was denied medical attention and religious contacts while incarcerated in the City jail. (See page 55). Again no specific allegations are made that any of these alleged deprivations arose out of a policy or practice established by the moving Defendants.

Plaintiff's claim against the City of Canton, the Mayor and Office, and Law Director and Office is arguably based on Title 42 U.S.C.Section 1983. Under this statute, a municipality may not be sued for injuries caused by its agents under the theory of respondeat superior, unless those agents are executing the municipalities policies, customs, or practices. Monell vs. New York City Department of Social Services, 436 U.S. 658, 691, 695 (1978): Dunn vs. State of Tennessee, 697 F.2d 121, 128 (6th Circuit 1982). In the case of bar, none of the alleged facts support a finding that the City maintained a policy, practice, or custom which gave rise to any deprivation of the Plaintiff's constitutional rights. Absent such an allegation, the City may not be found liable for the acts of its employees. As stated in Monell, "a municipality connot be held liable solely because its employs a tortfeasor-------". Id. at page 691.

The Plaintiff in his initial pleadings

names the City of Canton (John Doe). Thereafter, pleadings of the Plaintiff have referr-ed in the caption to the Mayor and Office and the Law Director and Office. There has been no allegation, whatsoever, in Plaintiff's complaint or any document subsequent to Plaintiff's complaint that can be considered as an amended complaint which specifically makes allegations against the Mayor and Office and the Law Director and Office. There-fore, having made no allegations of wrongdoing against the Mayor and Office and the Law Director and Office.

Because Plaintiff has failed to state a claim upon which relief may be granted, and the complaint be dismissed against the Defendant, City of Canton, the Mayor and Office and the Law Director and Office. To permit Plaintiff's claim to continue would disserve the intrest of justice and undermine the legal principals and procedure heretofore strictly adhere to by all courts.

Respectfully submitted,

_____

John S. Coury
Assistant Law Director

Proof of Service

A copy of the foregoing Motion to Dismiss was mailed to George E. Haren, pro se, P.O. Box 12533, San Diego, California 92112, by U.S. Mail on this 6th day of November, 1984.

_____

John S. Coury
Assistant Law Director

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
Jan. 27, 1984
U.S.DISTRICT COURT
Akron, Ohio

GEORGE E. HAREN
Plaintiff,

vs.

CITY OF CANTON, OHIO
(JOHN DOE) ET.AL.,
Defendants.

JUDGR BELL

CASE NO. C81-1999A

MOTION FOR LEAVE TO FILE INSTANTER

The Defendant, City of Canton (John Doe), by and through its attorneys moves the Court for leave to file its answer instanter. Grounds for this motion are set forth in the attached memorandum.

Respectfully submitted,
HARRY E. KLIDE, LAW DIRECTOR

JOHN S. COURY
Assistant Law Director
Canton City Hall
Canton, Ohio 44702
Phone: (216) 489-3251
Attorney for Defendant
City of Canton, Ohio (John Doe)

MEMORANDUM IN SUPPORT

For some reason unknown to this Defendant, the City of Canton (JOHN DOE) has not received any notice or orders from the Court. This Defendant has filed two motions previuos to the instant motion but has not received from the Court its orders on the said motions. This Defendant was never entered on the docket even though it has filed its motions.

The City of Canton (John Doe) at all times has wished to vigorously defend the allegation of Plaintiff's Complaint. Denial of the instant motion would work an injustice upon this Defendant.

Hence, the City of Canton respectfully requests that the instant motion be sustained.

Respectfully submitted,
HARRY E. KLIDE, LAW DIRECTOR

JOHN S. COURY, Asst. Law Dir.
Canton City Hall
Canton, Ohio 44702
Phone: (216) 489-3251
Attorney for Defendant, City
of Canton (John Doe)

PROOF OF SERVICE

A copy of the foregoing Motion for Leave to File Instanter and memorandum in Support was served on George E. Haren, Plaintiff at P.O. Box 12533, San Diego, California 92101: on Dale T. Evans, Attorney, Massillon Building, Massillon, Ohio 44646: and on David J. Kovach, Assistant Attorney General, State Office Building, Room 800, 615 West Superior Avenue, Cleveland, Ohio 44113-1899 by regular U.S. Mail this 26th day of January, 1984.

JOHN S. COURY, Asst. Law Dir.
Attorney for the Defendant, City of Canton (John Doe)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEORGE E. HAREN Plaintiff, vs. CITY OF CANTON, OHIO (JOHN DOE) ET.AL. Defendants.	CASE NO. C81-1999A JUDGE BELL ANSWER OF DEFENDANT CITY OF CANTON (JOHN DOE)

The Defendant City of Canton (John Doe) for its Answer to Plaintiff's Complaint states as follows:

FIRST DEFENSE

1. Denies each and every allegation found in Plaintiff's Complaint.

SECOND DEFENSE

2. That Plaintiff's Complaint fails to state a claim upon which relief can be granted against this answering Defendant.

THIRD DEFENSE

3. That Plaintiff's Complaint was not timely filed, and is therefore barred by the applicable Statute of Limitations.

FOURTH DEFENSE

4. That this Court lacks subject matter jurisdction over the allegations made in Plaintiff's Complaint.

FIFTH DEFENSE

5. That this Defendant is immune from liabil -ity from the allegations made in Plaintiff's Complaint.

WHEREFORE, this Answering Defendant request that Plaintiff's Complaint be dismissed at Plaintiff's costs.

Respectfully submitted,
HARRY E. KLIDE, CITY LAW DIRECTOR

By _____
JOHN S.COURY,
Assistant Law Director
Attorney for Defendant,
City of Canton, (John Doe)
Canton City Hall
Canton, Ohio 44702
Phone: (216) 489-3251

PROOF OF SERVICE

A copy of the Foregoing Answer of Defendant, City of Canton, (John Doe) was served on George E. Haren, Plaintiff, at P.O. Box 12533, San Diego, California 92101: on Dale T. Evans, Attorney, Massillon Building, Massillon, Ohio 44646: and on David J. Kovach, Assistant Attorney General, State Office Building, Room 800, 44113-1899 by regular U.S. Mail this 26th day of January, 1984.

JOHN S. COURY, Assistant
Law Director
Attorney for Defendant, City
of Canton (John Doe)

APPENDIX (PE-12)

-80-

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

GEORGE EDWARD HAREN Plaintiff,	CASE NO. C81-1999A
vs.	MOTION FOR LEAVE TO PLEAD OR OTHERWISE DEFEND
CITY OF CANTON, ET.AL. Defendante	

Defendant, City of Canton (John Doe), by and through it's attorneys, hereby moves the Court for an Order granting said Defendant Leave to Plead or Otherwise Defend by December 15, 1983, on the grounds said Defendant would be denied justice otherwise.

Respectfully submitted,
HARRY E. KLIDE, LAW DIRECTOR

By _____
John S. Coury
Assistant City Law Director
Attorney for Defendant,
City of Canton (John Doe)

BRIEF

On November 16, 1981, Defendant, City of Canton, (John Doe) filed it's Motion for Definite Statement and Motion to Strike.

Defendant, City of Canton, (John Doe) nor it's counsel, even received a ruling on said Motion. It was much later learned by the undersigned attorney, that the City of Canton (John Doe) and it's counsel, were never entered as a matter of record on the Court docket. Hence, the Defendart, City of Canton (John Doe) and it's counsel had not recived any Court orders issued in the instant case.

Upon learning of the problem, the undersigned counsel, by way of telephone, talked with Ms. Mary Pilla of Judge Krenzler's Court. The undersigned was advised by Ms. Pilla that the instant case was before the 6th Circuit Court of Appeals, and until it returns to Judge Krenzler's Court, nothing could be done at this time. The problem of lack of receipt of all Court documents was acknowledged by both the Clerk of Courts and

Ms. Pilla.

The within Defendant desired and still desires to fully contest the allegations of Plaintiff's Complaint. The within Defendant will be prejudiced and denied justice if this Motion is overruled.

Hence, in light of the failure to enter the City of Canton (John Doe) and it's counsel on the Courts Docket, the within Defendant should be granted leave to plead or otherwise defend.

Respectfully submitted,
HARRY E. KLIDE, LAW DIRECTOR

By _____
John S. Coury, Attorney for
Defendant, City of Canton,
(John Doe) City Hall
218 Cleveland Avenue S.E.
Canton, Ohio 44702
(216) 489-3251

PROOF OF SERVICE

A copy of the foregoing Motion for Leave to Plead or Otherwise Defend and Brief, was served on George E. Haren, P.O. Box 12533, San Diego, California 92112: Michael A. Noonan, Asst. Attny. General, State Office Tower, 26th Floor, 30 East Broad Street, Columbus, Ohio 43215: and Dale T. Evans, Asst. Prosecuting Attny. Chief, Appellate Division, Courthouse Annex, P.O. Box 167 Downtown Station, Canton, Ohio 44701, by ordinary United States Mail this 18 day of October, 1983.

By _____
John S. Coury, Attorney for
Defendant, City of Canton,
(John Doe)

No. 83-3089

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

FILED
Aug. 29, 1983
John P. Hehman, Clerk

GEORGE EDWARD HAREN
Plaintiff- Appellant,

vs.

CITY OF CANTON:
COUNTY OF STARK: AND
STATE OF OHIO,
Defendants-Appellees.

O R D E R

BEFORE: LIVELY, JONES and WELLFORN, Circuit Judges.

This appeal arises out of a civil rights action now pending in the district court in which the plaintiff alleges that he was denied his constitutional rights in connection with a criminal complaint filed against him and his subsequent incarceration. The matter is before the Court on the plaintiff's motion for leave to proceed in forma pauperis on appeal. The plaintiff has also filed an

informal brief setting forth the issues he wishes considered on appeal.

The Court has carefully reviewed the record of district court proceedings and has concluded that no appealable order has yet been entered in the plaintiff's case. This Court therefore lacks jurisdiction to consider the plaintiff's appeal. Moody v. Kapica, 548 F.2d 133 (6th Cir. 1976).

It is therefore ORDERED that the plaintiff's appeal be and it hereby is dismissed pursuant to Rule 9(d)(1), Rules of the Sixth Circuit. It is furthered ORDERED that leave to proceed in forma pauperis on appeal be and it hereby is denied.

Even if this notice of appeal were deemed to be a petition in the nature of a writ of mandamus asking for the trial court's action in some particular, the plaintiff-appellant has demonstrated no "clear and undisputable right to mandamus relief." Kerr v. United States District Court, 426 U.S. 394 (1976). Haren is entitled to no such extraordinary

relief.

ENTERED BY ORDER OF THE COURT

_____

Clerk

NO. 82-8348

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Dec. 13, 1982
John P. Hehman, Clerk

IN RE: George E. Haren,
Petitioner

O R D E R

BEFORE: LIVELY, MARTIN and WELLFORD, Circuit Judges.

This matter is before the court upon consideration of Haren's petition for a writ of mandamus. The court has reviewed the relevant district court docket sheet in Haren v. City of Canton, et.al., civil no. 81-1999-A, USDC, N.D. Ohio.

Petitioner has failed to show any circumstances which would justify the granting of the extraordinary relief sought. Kerr v. United States District Court, 426 U.S. 394 (1976): Califano v. Moynahan, 596 F.2d 1230 (6th Cir. 1979).

The petition for a writ of mandamus is
ied.

ENTERED BY ORDER OF THE COURT

_____

Clerk

APPENDIX (PE-15)

(STATE OF OHIO) SS: (STARK COUNTY)

IN THE CANTON MUNICIPAL COURT

CASE NO. 78-CRB-3019

CITY OF CANTON
Plaintiff

-vs-

GEORGE EDWARD HAREN
Defendant

JUDGEMENT ENTRY

This matter come on for hearing as a result of Defendant motion to have a study made of his competency to stand trial on the charges of (1) Criminal Trespass, (2) Resisting arrest, and (3) Carrying Concealed Weapon, said request made in open court on January 2, 1979. The Court finds from the report of the examining physician and through a review of their reports that the Defendant is mentally ill and incompetent to stand trial at this time, but there is substantial probability that he will become competent to stand trial within one year if he is provided a course of treatment. The offense is

ne which the Defendant, George E. Haren,
ld be incarcerated if convicted.
t is ORDERED, ADJUDGED and DECREED that
Defendant, George Edward Haren, shall
ergo treatment at Massillon State Hosp-
l, a facility operated by the Ohio De-
tment of Mental Health, until he is re-
red to reason.
t is further ORDERED that the Defendant's
edom of movement shall be denied in view
his past history and that the Court to be
gerous of the person to himself and to a
ng lady who befriended him through his
ner wife as a result of the young lady's
loyment under the Defendant's former wife.
t is further ORDERED that the Court shall
ify the restrictions herein based upon the
ommendations of the treating physician.
t is further ORDERED, ADJUDGED and DECREED
t the Sheriff of Stark County shall convey
Defendant, George Edward Haren, to the
sillon State Hospital on January 29, 1979,
he shall remain under the treatment of

said hospital until such time as he is restored to reason and then be returned by the Sheriff of Stark County to the Stark County Jail to await further proceedings under the criminal charges.

The Stark County Mental Health report is attached herewith and the Certificate of Exam-ination is attached herewith for the use of the Massillon State Hospital.

_____

Robert E. Mylett, Judge

DATED. Jan. 26, 1979

c/c Stark County
Sherriff's Department
c/c H. Schmuck, Atty. for Deft.
c/c Central Stark County Mental Health Center
c/c Jean wilkinson
c/c R. Reinbold, Prosecutor's Office
c/c Massillon State Hospital

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
STARK COUNTY, OHIO

IN RE: No. 24614

Guardianship of GEORGE EDWARD HAREN Gdn. Doc. Y Page 262

ENTRY TERMINATING GUARDIANSHIP

On this 23 day of October, 1979, this use came on to be heard on the Motion of AN E. WILKINSON, Guardian, for an Order of e Court terminating this Guardianship. The Court further finds that the Ward has ived Notice and Consent to the granting by e Court of the Motion to terminate the ardianship and that all notices required of e Motion have been properly given or waived d that the evidence and report filed, the rd, GEORGE EDWARD HAREN, has recovered and now able to properly care for himself and s property and that the grounds for this ardianship no longer exist.

IT IS THEREFORE, by the Court ordered that the Motion be and it is hereby granted: and is further ordered that the relationship of Guardian and Ward now existing between JEAN E. WILKINSON and GEORGE EDWARD HAREN be and is hereby terminated: and it is further ordered that GEORGE EDWARD HAREN be and he is hereby restored to all his rights and privileges as the same existed prior to the establishment of this Guardianship.

IT IS FURTHER ORDERED that the Guardian shall not delay pay over and deliver to the said GEORGE EDWARD HAREN all funds and property in her posession as such Guardian.

IT IS FURTHER ORDERED that JEAN E. WILKINSON shall file an account in full settlement of her Guardianship within ten (10) days from this date.

PROBATE JUDGE

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CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

FIRST AMENDMENT TO THE CONSTITUTION:

Congress shall make no law respecting an stablishment of religion, or prohibiting the ree exercise thereof: or abridging the free- om of speech, or the press; or the right of he people peaceably to assemble, and to etition the Government for a redress of rievances.

(Note) 61:

Prisoner does not shed his rights under is amendment at prison portals. (Brown v. yton) CA Va 1971 437 F2d 1228.

To be valid, governmental activity impair- g individuals ability to abide religious liefs must be shown to be justified by com- lling state intrest in regulation of sub- ct within states constitutional power to gulate or convincing showing that no alter- tive forms of regulation would combat such uses without infringing rights under this endment. Id.

Religious freedom may not be suppressed or ignored in prison environment without adquate reason. Id.

Prisoners do have certain rights and privleges in religious areas which federal courts will protect, but certain religious practices of prisoners, as distinguished from their beliefs, may properly be subject of administrative regulation and control by prison. (Peek v. Ciccone) DC MO 1968 288 F Supp 329.

(Note) 62:

Prisoners desire to practice his religion may be restricted only on convincing showing that paramount state intrest so require. Id.

Categorical denial by state prison administrators of right of prisoner to attend organized religious services conducted by recogniz-ed minister of his faith while granting right to other religions would be religious discrimination. (Cooper v. Pate) CA ILL 1967 382 F2d 518.

Denying prisoners of one faith privilege of communication with ministers of their faith

while granting it to others is discrimina-
ion on account of religion. Id.

(Note) 63;

Prisoners have freedom of religion and
ight to exercise other federal constution-
l rights unless such exercise interferes
ith prison discipline and operation. (Wilson
Prasse) DC PA 1971 325 F Supp 9.

Prison officials are not entitled to punish
harass anyone because of of his race or
eligious beliefs. Id.

Punishment of prisoners solely because of
eligious beliefs violates constitution.
Jones v. Willingham) DC KAN 1965 248 F Supp
91.

(Note) 65:

Prison inmates should be able to purchase
ooks and literature and correspond with re-
igious leaders. (Cruz v. Beto) DC TEX 1970
29 F Supp 443 Affirmed 445 F2d 801.

FOURTH AMENDMENT TO THE CONSTITUTION:

The right of the people to be secure in
heir persons, houses, papers, and effects,

against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(Note) 116:

Only in a few specifically established and well-delineated situations may a dwelling be searched without a warrant, even if there is probable cause to conduct it, burden is on the government to show that the exception existed. (US v. Shima) CA TEX 1977 545 F2d 1026 rehearing granted 552 F2d 157.

Allegation in civil rights complaint of a warrantless search of plaintiffs home was sufficiently specific to state an actionable violation of plaintiffs rights under this amendment and stated a claim upon which relief could be granted. (Covington v. Cole) CA TEX 1976 528 F2d 1365 rehearing denied 533 F2d 1135.

Thie amendment encompasses nontrespassery

urveillance although physical entry of
e is chief evil against which wording of
s amendment is directed. (US V. Ehrlichman)
DC 1974 376 F Supp 29.

tate and federal constitutional protect-
s against violation of right of people to
secure in their persons and houses against
easonable seizures apply to arrests within
home. (People v. Ramey) 1976 545 F2d 1333
Cal Rptr 629.

t is unreasonable to search home without
rch warrant unless consent is obtained,
ent special circumstances. (State v.
umber) 1976 544 F2d 1084 112 Az 569.

his amendment puts a restraint on the arm
the government and prevents it from invad-
the sanctity of a mans home or his pri-
e quarters except under safeguards cal-
ated to prevent oppression and abuse of
hority. (State v. Gansz) Fla. App. 1974
So 2d 614.

IFTH AMENDMENT TO THE CONSTITUTION:

o person shall be held to answer for a

capitol, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger: nor shall any person be subject for the same offence to be twice put in jeopardy of life and limb: nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.

SIXTH AMENDMENT TO THE CONSTITUTION:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him: to have compulsory process for

obtaining Witnesses in his favor, and to
ve the Assistance of Counsel for his de-
nse.

SEVENTH AMENDMENT TO THE CONSTITUTION:

In Suits at common law, where the value in
ntrovercy shall exceed twenty dollars, the
ght of trial by jury shall be preserved,
d no fact tried by a jury, shall be other-
se reexamined in any Court of the United
ates, than according to the rules of the
mmon law.

EIGHTH AMENDMENT TO THE CONSTITUTION:

Excessive bail shall not be required, nor
cessive fines imposed nor cruel and un-
ual punishment inflicted.

(Note) 3:

This amendment was adopted to prevent in-
man, barbarous, or torturous punishment
some punishment unknown at common law.

(Note) 4:

Term cruel and unusual punishment cannot be
fined with specificity, it is flexible and
nds to broaden as society tends to pay more

regard to human decency and dignity and becomes, or likes to think that it becomes more human.

(Note) 6:

This amendment is applicable to the state and, thus, violation of its mandate may constitute a cause of action cognizable in federal courts under 42 USCS 1983.

(Note) 9:

The protection of provision of this amendment forbiding cruel and unusual punishment extends not only those convicted but those held for trial.

NINTH AMENDMENT TO THE CONSTITUTION:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

TENTH AMENDMENT TO THE CONSTITUTION:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ELEVENTH AMENDMENT TO THE CONSTITUTION:

The Judicial power of the United States
all not be construed to extend to any suit
law or equity, commenced or prosecuted
ainst one of the United States by Citizens
another State, or by citizens or subjects
any Foreign State.

THIRTEENTH AMENDMENT TO THE CONSTITUTION:

Section 1. Neither slavery nor involuntary
rvitude, except as a punishment for crime
ereof the party shall have been duly convic
d, shall exist within the United States,
any place subject to their jurisdiction.

Section 2. Congress shall have power to
force this article by appropriate legisla-
n.

OURTEENTH AMENDMENT TO THE CONSTITUTION:

Section 1. All persons born or naturaliz-
in the United States, and subject to the
isdiction thereof, are citizens of the
ted States and of the State wherein they
ide. No State shall make or enforce any
which shall abridge the privileges or

immunities of citizens of the United States; or shall any State deprive any person of life, liberty, or property, without due process of law: nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

FIFTEENTH AMENDMENT TO THE CONSTITUTION:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

MIRANDA DECISION

Miranda v. Arizona (1) 384 US 436

1. The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into

custody or otherwise deprived of his free-
om of action in any significant way, unless
t demonstrates the use of procedural safe-
uards effective to secure the Fifth Amend-
ents privilege against self-incrimination.
TITLE 42 USCS 1983, Civil action for depri-
ation of rights.
Every person who, under color of any statute,
rdinance, regulation, custom, or usage, of
ny State or Territory, subjects, or causes
o be subjected, any citizen of the United
tates or other person within the jurisdic-
ion thereof to the deprivation of any rights
rivileges,or immunities secured by the Con-
titution and laws, shall be liable to the
arty injured in an action at law, suit in
quity, or other proper proceeding for re-
ress.
TITLE 42 USCS 1985(3), Conspiracy to inter
fere with civil rights.
Depriving persons or rights and privileges.
If two or more persons in any State or
erritory conspire, or go in disguise on the

highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laes, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws: or if two or more persons conspire to prevent by force, in timidation, or threat, any citizen who is law -fully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qual -ified person as an elector for President or Vice-President, or as a member of Congress of the United States: or to injure any citizen in person or property on account of such support or advocacy: in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object

of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

TITLE 28 USCS 1343 (1)(2)(3)(4), Civil rights and elective franchise.

The district courts shall have original jurisdiction or any civil action authorized by law to be commenced by any person:

1. To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42, 42 USCS 1985.

2. To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur

and power to prevent.

3. To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

4. To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

TITLE 21 USCS 321 (g)(1)(2) Drug definitions

g(1) The term drug means (A) articles recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them: and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

and (C) articles intended for use as a component of any article specified in clause (A) (B) or (C), but dose not include devices or their components, parts, or accessories.

g(2) The term counterfeit drug means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufactur -er, processor, packer, or distributor.

TITLE 21 USCS 351 (a) B,(b) Adulterated drugs and devices.

(a)B.A drug or device shall be deemed to be adulterated-----

-- if it is a drug and the methods used in, or the facilities or controls used for, its

manufacturer, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of this Act as to safety and has the identy and strength, and meets the quality and purity characteristics, which it purports or is represented to possess:

(b) Strength, quality, or purity differing from official compendium. If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set fourth in such compendium, except that whenever tests or methods of assay have not been prescribed in such compendium, or such test methods of assay as are prescribed are, in the judgement of

the Secretary, insufficient for the making of such determination, the Secretary shall bring such fact to the attention of the appro-priate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay which, in the judgement of the Secretary, are sufficient for purposes of this paragraph, then the Secretary shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug defined in an official compendium shall be deem-ed to be adulterated under this paragraph because it differs from the standard of strenght, quality,or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States

it shall be subject to the requirememts of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not those of the United States Pharmacopoeia.

TITLE 21 USCS 352 (a) Misbranded drugs and devices:

A drug or device shall be deemed to be misbranded---

(a) False or misleading lable. If its labeling is false or misleading in any particular.

TITLE 18 USCS 241 Conspiracy against rights of citizens:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or be-cause of his having so exercised the same: or If two or more persons go in disguise on the highway, or on the premises of another,

with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured----

They shall be fined not more than $10,000 or imprisoned not more than ten years, or both: and if death results, they shall be sub-ject to imprisonment for any term of years or for life.

TITLE 18 USCS 242 Deprivation of rights under color of law:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or Districtto the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhab-itant being an alien, or by reason of his color, or rase, than are prescribed for the punishment of citizens shall be fined not more than $1,000 or imprisoned not more than one year, or both: and if death results shall

be subject to imprisonment for any term of years or for life.

TITLE 18 USCS 245 a(1)(2)b(1)(A)(B)(C)(D)(E):(5):(c). Federally protected activities: (a)1 Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law en forcement authorities of resposibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judge-ment a prosecution by the the United States is in the public intrest and necessary to

secure substantial justice, which function of certification may not be delegated.

(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with---

(1) any person because he is or has been, or any other person or any class of persons from---

(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election:

(B) participating in or enjoying any benefit, service, privilege, program, facility provided or administered by the United States;

(C) applying for or enjoying employment,

or any perquisite thereof, by any agency of the United States;

(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States:

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance: or

(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate--

shall be fined not more than $1,000, or imprisoned not more than one year, or both:

and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both: and if death results shall be subject to imprisonment for any term of years or for life. as used in this section the term "participating lawfully in speech or peaceful assembly" shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or ahainst any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodg -ing to transient guests, or to any employee acting on behalh of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residance.

(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office: and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or political subdivisions of the State. For purposes of the preceding sentence, the term "law enforcement officer" means any officer of the United States, District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses, against the United States, the District of Columbia, a State or a political subdivision of a State.

TITLE 18 USCS 1201 a(1), b;c; Kidnapping,

a. whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or other-

wise any person, except in the case of a minor by the parent thereof, when:

(1) the person is willfully transported in interstate or foreign commerce:

b. With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoy-ed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been trahsported in interstate or foreign commerce.

c. If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

TITLE 18 USCS 4, Misprison of felony,

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or mili-

tary authority under the United States, shall be fined not more than $500 or imprisoned not more than three years, or both.

TITLE 18 USCS 1342, Fictitious name or address,

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title (18 USCS 1341) or any other unlawful business, uses or assumes, or requests to be addressed by , any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

TITLE 18 USCS 1114, Protection of officers and employees of the United States,

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy mar-shal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the secret service or of the Drug Enforcement Administration, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any offi-cer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary or the Interior to enforce any Act of Congress for the protection, preservation,or restoration of game and other

wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Areonautics and Space Administration, any security officer of the Depart-ment of State or the Foreign Service, or any officer or employee of the Department of

Health, Education, and Welfare, the Consumer Safety Commission, or of the Department of Labor or of the Department of the Interior or of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title. (18 USCS 1111 and 1112).

TITLE 18 USCS 111, Assaulting, resisting, or impeding certain officers or employees,

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title (18 USCS 1114) while engaged in or on account of the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be

fined not more than $10,000 or imprisoned not more than ten years, or both.

TITLE 18 USCS 33, Destruction of motor vehicles or motor vehicle facilities,

Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in inter-state or foreign commerce, or its cargo or material used or intended to be used in connection with its operation: or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support or the opera-

tion of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be made unworkable, unusable, or hazardous to work or use: or

Whoever, with like intent, willfully disables or incapacitates any driver or person employed in connection with the operation or maintenance of the motor vehicle, or in any way lessens the ability of such person to perform his duties as such: or

Whoever willfully attempts to do any of the aforesaid acts---

shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

TITLE 18 USCS 35 Imparting or conveying false information, (a)(b):

a. Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter (18 USCS 31 et seq.) or chapter 97 (18 USCS 1991,1992)

or chapter 111 (18 USCS 2271 et seq.) of this title shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States.

b. Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information to be false, concerning an attempt or alleged attempt being made, to do any act which would be a crime prohibited by this chapter (18 USCS 31 et seq.) or chapter 97 (18 USCS 1991, 1992) or chapter 111 (18 USCS 2271 et seq.) of this title-----shall be fined not more than $5,000, or imprisoned not more than five years, or both.

TITLE 18 USCS 2511 Interception and disclosure of wire or oral communications prohibited, 1(a)(c):2(d):

1. Except as otherwise spscifically provided in this chapter (18 USCS 2510 et.seq.) any person who---

(a) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire or oral communication:

(c) willfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection: or

2(d) It shall not be unlawful under this chapter (18 USCS 2510 et seq.) for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of commiting any other injurious act.

TITLE 18 USCS 2520, Recovery of civil damages authorized:

Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter (18 USCS 2510 et seq.) shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person---

(a) actual damages but not less than liquid-ated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher:

(b) punitive damages, and

(c) a reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal act-ion brought under this chapter (18 USCS 2510 et seq.) or any other law.

TITLE 18 USCS 1702, Obstruction of correspondence:

Whoever takes any letter postal card, or package out of any post office or any authorized depository for mail matter or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

TITLE 18 USCS 1343, Fraud by wire, radio, or televisi-n.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or

television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

OHIO BILL OF RIGHTS

Art.1 para. 7 and (notes) 17,26,28.

para.7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent: and no preference shall be given, by law, to any religious society: nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief: but nothing herein shall be construed to dispense with oaths and affirmations.

Religion, morality, and knowledge, however,
eing essential to good government, it shall
e the duty of the general assembly to pass
uitable laws to protect every religious de-
omination in the peaceable enjoyment of its
wn mode of public worship, and to encourage
chools and the means of instruction.

(note) 17. Freedom to act on behalf of
ne's religious beliefs may not be curtailed
bsent a compelling state intrest.

(note) 26. The force of Const., Art. 1 para.
, dealing with religious freedom, is to
ake observance of religious doctrine a mat-
er of personal choice uncontrolled by law
r decree of a court.

(note) 28. Freedom of religion has a dual
spect, freedom to believe, and freedom to
ct exercising such beliefs: the first, an
bsolute right, the second, subject to reg-
lation for the protection of society, and
hen the state in the proper and lawful exer-
ies of its police power seeks to obtain a
ermissible end which is both necessary and

desirable, the constitutional guaranty must yield to the regulation in the interests of the public welfare.

TITLE 51,53 ORC 5119.13, Occupational therapy,

Each managing officer of an institution, under the department of mental health shall develop such occupations as shall promote the mental, moral, and physical improvement and happiness or the patients, and the department shall aid and encourage such activities so as best to advance the economical and efficient administration of all the institutions, but without prejudice to their primary needs.

TITLE 51,53 ORC 5119.23, Examination into mental and physical condition of confined per-son: discharge if not subject to hospitalization.

The department of mental health may examine into, with or without expert assistance, the question of the mental and physical condition of any person committed to or involuntarily confined in any hospital for the mentally ill,

or restrained of his liberty at any place within this state by reason of alleged mental illness and may order and compel the discharge of any such person who is not a mentally ill persno subject to hospitalization by court order as defined in division (B) of section 5122.01 of the Revised Code and direct what disposition shall be made of him. The order of discharge shall be signed by the director of mental health. Upon receipt of such order by the superintendent or other person in charge of the building in which the person named in such order is confined, such person shall forthwith be discharged or otherwise disposed of according to the terms of said order, and any further or other detention of such person is unlawful. No such order shall be made in favor of any person committed and held for trial on a criminal charge, in confinement by an order of a judge or court made in a criminal proceeding, or in any case unless notice is given to the superintendent or other person having charge of

the building in which the alleged mentally ill person is detained, and a reasonable opportunity is allowed the person in charge to justify further detention of the person confined.

TITLE 51,53 ORC 5119.28, Examination, observation and classification: assignment to institutions: transfer.

Persons committed to any institution, division, or place, under the control and management of the department of mental health, are committed to the control, care, and custody of such department. The director of mental health may direct that person committed to the department, or to any institution or place within the department, under the laws of this state shall be conveyed to the appropriate facility established and maintained by the department for examinination, observation, and classification. A seperate facility shall be used for children and mental patients in making such examination, observation, and classification from that used

for persons sentenced or committed under penal laws.

When such examination, observation, and classification of such person has been completed by such facility and a written report thereof filed with the committment papers, the chief of the division of such facility is a part shall assign such person to a suitable state institution or place maintained by the state within its division, there to be confined, cared for, treated, trained, and rehabilitated until released under the order of the court making such commitment. If the report of such examination, observation, and classification of such person recommends that he be assigned to an institution or place maintained by the state within another division of the department than one within the division maintaining the facility making such examination, observation, and classification, then the director may assign such person to such institution or place,there to be confined, cared for, treated, trained, and

rehabilitated until released under the order of the court making the commitment. No person committed by a probate court or a juvenile court shall be assigned to a penal institution.

Any person committed or assigned to any one of the institutions or places maintained by the department may, by order of the department duly recorded, be transferred to any other institution maintained by the department . No person shall be transferred from a benevolent to a penal institution except as provided under section 5120.17 of the Revised Code.

TITLE 37 ORC 341.22, Religious services and welfare work in county jail.

Each administrative board or other authority in the state, having control of a county jail, shall provide for the holding of religious services and the conducting of other wel -fare work in such jail, by such persons or organizations, and at such times, as the probate judge directs.

TITLE 29 ORC 2903.11, A(1)(2): B, Felonious assault,

A. No person shall knowingly:

(1). Cause serious physical harm to another

(2). Cause or attempt to cause physical harm to another by means of a deadly weapon or dangerous ordnance as defined in section 2923.11 of the Revised Code.

B. Whoever violates this section is guilty of felonious assault, a felony of the second degree.

TITLE 29 ORC 2903.21, A.B. Aggravated menacing.

A. No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of such other person or member of his immediate family.

B. Whoever violates this section is guilty of aggravated menacing, a misdemeanor of the first degree.

TITLE 29 orc 2903.22, A.B. Menacing,

A. No person shall knowingly cause another

to believe that the offender will caues physical harm to the person or property of such other person, or member of his immediate family.

B.Whoever violates this section is guilty of menacing, a misdemeanor of the fourth degree.

TITLE 29 ORC 2905.01, A(2) (3)(5): B(1)(2) (3): C. Kidnapping,

A.No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall remove another from the place where he is found or restrain him of his liberty, for any of the following purposes:

(2). To facilitate the commission of any felony or flight thereafter.

(3). To terrorize, or to inflict serious physical harm on the victim or another:

(5) To hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority.

B. No person, by force , threat, or deception or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances which create a substantial risk of serious physical harm to the victim:

(1). Remove another from the place where he is found:

(2). Restrain another of his liberty:

(3) Hold another in a condition of involun -tary servitude:

C. Whoever violates this section is guilty of kidnapping, a felony of the first degree. If the offender releases the victim in a safe place unharmed, kidnapping is a felony of the second degree.

TITLE 29 ORC 2905.02, A(1)(2)(3): B. Abduc -tion,

A. No person, without privilege to do so, shall knowingly do any of the following:

(1). By force or threat, remove another from the place where he is found:

(2). By force or threat, restrain another of his liberty, under circumstances which create a risk of physical harm to the victim, or place him in fear:

(3). Hold another in a condition of involuntary servitude:

B. Whoever violates this section is guilty of abduction, a felony of the third degree.

TITLE 29 ORC 2905.03 A.B. Unlawful restraint.

A. No person, without privilege to do so, shall knowingly restrain another of his liberty.

B. Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.

TITLE 29 ORC 2905.04, A.C. Child stealing,

A. No person, by any means, and with purpose to withhold a child under the age of fourteen or mentally incompetent from the legal custody of his parent, guardian, or custodian, shall remove such child from the place where he is found.

C. Whoever violates this section is guilty of child stealing, a felony of the second degree. If the offender is a natural or adoptive parent, or a stepparent of the child, but not entitled to legal custody of the child when the offense is committed, child stealing is a misdemeanor of the first degree unless the offender removes the child from this state, in which case child stealing is a felony of the fourth degree.

TITLE 29 ORC 2905.11, A(1)(2)(3)(4)(5): B:C. Extortion,

A. No person, with purpose to obtain any valuable thing or valueable benefit or to induce another to do an unlawful act, shall do any of the following:

(1). Threaten to commit any felony:

(2). Threaten to commit any offense of violence:

(3). Violatr section 2903.21 or 2903.22 of the Revised Code:

(4). Utter or threaten any calumny against any person:

(5). Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his personal or business repute, or to impair his credit.

B. whoever violates this section is guilty of extortion, a felony of the third degree.

C. As used in this section,"threat" includes a direct threatand a threat by innuendo.

TITLE 29 ORC 2905.12 A(1)(2)(3)(4)(5):D; E, Coercion.

A. No person, with purpose to coerce another into taking or refraining from action concerning which he has a legal freedom of choice, shall do any of the following:

(1). Threaten to commit any offense:

(2). Utter or threaten any calumny against any person:

(3). Expose or threaten to expose any matter tending to subject any person to hatred, contempt, or ridicule, or to damage his personal or business repute, or to impair his credit:

(4). Institute or threaten criminal proceedings against any oerson:

(5). Take or withhold, or threaten to take or withhlod official action, or cause or threaten to cause official action to be taken or withheld.

D. Whoever violates this section is guilty f coercion, a misdemeanor of the second degree.

E. As used in this section, "threat" includes a direct and a threat by innuendo.

TITLE 29 ORC 2911.21, A(1)(2):B:C:D. Criminal trespass.

A. No person, without privilege to do so, shall do any of the following:

(1). Knowingly enter or remain on the land or premises of another:

(2). Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes,or hours, when the offender knows he is in violation of any such restriction or is reckless in that regard:

B. It is no defense to charge under this that the land or premises involved was owned, controlled, or in custody of a public agency.

C. It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

D. Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

TITLE 29 ORC 2919.22 B(1)(2)(3): C. Endangering children.

B. No person shall do any of the following to a child under eighteen or a mentally or physically handicapped child under twenty-one:

(1). Torture or cruelly abuse the child:

(2). Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline, or restraint is excessive under

the circumstances and creates a substantial risk of serious physical harm to the child:

(3). Repeatedly administer unwarranted disciplinary measures to the child, when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

C. Whoever violates this section is guilty of endangering children, a misdemeanor of the first degree. If violation of this section results in serious physical harm to the child involved, or if the offender has previously been convicted of an offense under this section or of any offense involving neglect, abandonmemt, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the fourth degree.

TITLE 29 ORC 2919.23, A(1):C. Interference with custody,

A. No person, knowing he is without privilege to do so or being reckless in that regard, shall entice, take,keep, or harbor any of the following:

(1). A child under the age of eighteen, or a mentally or physically handicapped child under the age of twenty-one:

C. Whoever violates this section is guilty of interference with custody, a misdemeanor of the third degree.

TITLE 29 ORC 2921.11, A.B.C.D.F. Perjury,

A. No person, in any official proceeding, shall knowingly make a false statement under oath or affirmation, or knowingly swear or affirm the truth of a false statement previously made, when either statement is material.

B. A falsification is material, regardless of its admissibility in evidence, if it can affect the course or outcome of the proceeding. It is no defense to a charge under this section that the offender mistakenly believed a falsification to be immaterial.

C. It is no defense to a charge under this section that the oath or affirmation was administered or taken in an irregular manner.

D. Where contradictory statements relating

to the same material fact are made by the offender under oath or affirmation and within the period of the statute of limitations for perjury, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

F. Whoever violates this section is guilty of perjury, a felony of the third degree.

TITLE 29 ORC 2921.13, A(1)(2)(6)(7): C:D: Falsification,

A. No person shall knowingly make a false statement, or knowingly swear or affirm the truthof a false statement previously made, when any of the following apply:

(1). The statement is made in any offical proceeding:

(2). The statement is made with purpose to incriminate another:

(6). The statement is sworn or affirmed be -fore a notary or other person empowered to administer oaths:

(7). The statement is in writing on or in connection with a report or return which is

required or authorized by law:

C. Where contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

D. Whoever violates this section is guilty of falsification, a misdemeanor of the first degree.

TITLE 29 ORC 2921.22, A.B.D.E. Failure to report a crime.

A. No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

B. No physician, limited practitioner, or nurse, or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by him, or any serious physical harm to persons which

he knows or has reasonable cause to believe resulted from an offense of violence.

D. No disclosure of information pursuant to division (A) or (B) of this section shall give rise to any liability or recrimination for a breach of privilege or confidence.

E. Whoever violates this section is guilty of failure to report a crime. Violation of division (A) of this section is a misdemeanor of the fourth degree. Violation of division (B) of this section is a misdemeanor of the second degree.

TITLE 29 ORC 2921.31 A. Obstructing official business,

A. No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within his official capacity, shall do any act which hampers or impedes a public official in the performance of his lawful duties.

TITLE 29 ORC 2921.44, A(2):B:C(1)(2)(3)(5):D:E:F. Dereliction of duty.

A. No law enforcement officer shall negligently do any of the following:

(2). Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in his power to do so alone or with available assistance.

B. No law enforcement, ministerial, or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

C. No officer, having charge of a detention facility, shall negligently do any of the following:

(1). Allow the detention facility to become littered or unsanitary:

(2). Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter, and medical atten -tion:

(3). Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another:

(5). Fail to observe any lawful and reason

-able regulation for the management of the detention facility.

D. No public official of the state shall recklessly create a deficiency, incur a liability, or expend a greater sum than is appro-priated by the general assembly for the use in any one year of the department, agency, or institution of the state with which the public official is connected.

E. No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to his office, or recklessly do any act expressly forbidden by law with respect to his office.

F. Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

TITLE 29 ORC 2921.45, A.B. Interfering with civil rights.

A. No public servant, under color of his office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or

statutory right.

B. Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

TITLE 29 ORC 2931.03, Jurisdiction of court of common pleas.

The court of common pleas has original jurisdiction of all crimes and offenses, except in cases of minor offenses the exclusive jurisdiction of which is vested in courts inferior to the court of common pleas.

TITLE 29 ORC 2933.22, A. Probable cause.

A. A warrant of search or seizure shall issue only upon probable cause, supported by oath or affirmation particularly describing the place to be searched and the property and things to be seized.

TITLE 29 ORC 2933.23 Affidavit for search warrant.

A warrant for search shall not be issued until there is filed with the judge or magistrate an affidavit particularly describing the house or place to be searched, the person

to be seized, the things to be searched for and seized, and alleging substantially the offense in relation thereto, and that the complainant believes and has good cause to believe that such things are there concealed, and he shall state the facts upon which such belief is based. The judge or magistrate may demand other and further evidance before issuing such warrant. If the judge or magistrate is satisfied that grounds for the issuance of a warrant exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the property and naming or describing the person or place to be searched.

TITLE 29 ORC 2933.58, A. Eavesdropping: wiretapping.

A. Except as provided in this section, or as permitted under the laws of the United States, no person shall willfully, surreptitiously, and by means of any device listen to, transmit, amplify, or record a private oral communication carried on in circumstances

which reasonably indicate that the parties thereto desire it to be confined to them, and that no person shall willfully disclose or willfully use or attempt to use any information, knowing or having reasonable cause to believe such information was obtained in violation of this section.

Whoever violates this section shall be fined not more than one thousand dollars or imprisoned not less than one nor more than three years, or both.

TITLE 29 ORC 2935.09, Accusation by affidavit to cause arrest or prosecution.

In all cases not provided by sections 2935.02 to 2935.08, inclusive, of the Revised Code, in order to cause the arrest or prosecution of a person charged with committing an offense in the state, a peace officer, or a private citizen having knowledge of the facts, shall file with the judge or clerk of a court of record, or with a magistrate, an affidavit charging the offense committed, or shall file such affidavit with the prose-

cuting attorney or attorney charged by law with the prosecution of offenses in court or before such magistrate, for the purpose of having a complaint filed by such prosecuting or other authorized attorney.

TITLE 29 ORC 2935.10, A. Procedure upon filing of affidavit or complaint.

A. Upon the filing of an affidavit or complaint as provided by section 2935.09 of the Revised Code, if it charges the commission of a felony, such judge, clerk, or magistrate, unless he has reason to believe that it was not filed in good faith, or the claim is not meritorious, shall forthwith issue a warrant for the arrest of the person charged in the affidavit, and directed to a peace officer: otherwise he shall forthwith refer the matter to the prosecuting attorney or other attorney charged by law with prosecution for invesigation prior to the issuance of warrant.

TITLE 29 ORC 2935.14, Rights of person arrested.

If the person arrested is unable to offer

sufficient bail or, if the offense charged be a felony, he shall, prior to being confined or removed from the county of arrest, as the case may be, be speedily permitted facilities to communicate with an attorney at law of his own choice, or to communicate with at least one relative or other person for the purpose of obtaining counsel (or in cases of misdemeanors or ordinance violation for the purpose of arranging bail). He shall not thereafter be confined or removed from the county or from the situs of initial detention until such attorney has had reasonable opportunity to confer with him privately, or other person to arrange bail, under such security measures as may be necessary under the circumstances.

Whoever, being a police officer in charge of a prisoner, or the custodian of any jail or place of confinement, violates this section shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than thirty days, or both.

TITLE 29 ORC 2935.16, Prisoners held without process.

When it comes to the attention of any judge or magistrate that a prisoner is being held in any jail or place of custody in his jurisdiction without commitment from a court or magistrate, he shall forthwith, by summary process, require the officer or person in charge of such jail or place of custody to disclose to such court or magistrate, in writing, whether or not he holds the person described or identified in the process and the court under whose process the prisoner is being held. If it appears from the disclosure that the prisoner is held solely under warrant of arrest from any court or magistrate, the judge or magistrate shall order the custodian to produce the prisoner forthwith before the court or magistrate issuing the warrant and if such be impossible for any reason, to produce him before the inquiring judge or magistrate. If it appears from the disclosure that the prisoner is held

without process, such judge or magistrate shall require the custodian to produce the prisoner forthwith before him, there to be charged as provided in section 2935.06 of the Revised Code.

Whoever, being the person in temporary or permanent charge of any jail or place of confinement, violates this section shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both.

TITLE 29 ORC 2935.20, Right to counsel.

After the arrest, detention, or any other taking into custody of a person, with or with-out a warrart, such person shall be permitted forthwith, facilities to communicate with an attorney at law of his choice who is entitled to practice in the courts of this state, or to communicate with any other person of his choice for the purpose of obtaining counsel. Such communication may be made by a reasonable number of telephone calls or in any other reasonable manner. Such

person shall have a right to be visited immediately by any attorney at law so obtained who is entitled to practice in the courts of this state, and to consult with him privately. No officer or any other agent of this state shall prevent, attempt, to prevent, or advise such person against the communication, visit, or consultation provided for by this section.

Whoever violates this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days, or both.

TITLE 29 ORC 2947.25, A.B.C.D. Psychiatric examination before sentence.

A. After conviction and before sentence, a trial court shall refer for examination, all persons convicted of a violation of section 2907.02 or 2907.03 of the Revised Code, a felony violation under section 2907.04 of the Revised Code, a violation of section 2907.07, or 2907.08 of the Revised Code, or a felony violation under section 2919.22 of

the Revised Code, and all persons convicted of abusing, beating, torturing, starving, or otherwise causing physical injury to a child to the department of mental health and mental retardation or to a state facility designated by the department, or to a psychiatric clinic approved by the department, or to three psychiatrists.

B. Prior to sentence the court may refer for such examination any person who has been convicted of any felony except murder in the first degree where mercy has not been recommended, or any misdemeanor when it has been suggested or appears to the court that such person is mentally ill, or a mentally retarded offender or a psychopathic offender. Reference to the department, clnic, or psychiatrists shall be for a period of not more than sixty days.

C. The department, clinic, or psychiatrists shall make a careful examination of such person and furnish to the court a report in writing of the finding as to the mental condition

of the person at the time of examination, together with such recommendations, suggestions, and opinions as may be helpful to the court, which report shall also contain the ames and addresses of the parties making the examination. Such report is a public record and becomes a part of the files in the case but shall not be spread at large upon the journal. A certified copy of such report shall be served upon such person's attorney of record within three days after the filing thereof with the court, and shall be furnished to such person on his written request. If any psychiatric examiner or psychologist not on the staff of any such psychiatric clinic or the department or a state facility designated by the department is so appointed, the cost thereby incurred shall be determined by the court and allowed and taxed as costs and paid in the same manner as witness fees in criminal cases.

D. The court shall conduct a hearing thereon not earlier than ten nor later than thirty

days after the service of such copies of the report. Both the state and such person, his guardian, or next friend may appear in person or by counsel at such hearing, subpoena, examine, and cross-examine the examin-ers making the report, regardless of the part of the state in which the examiners may live, and produce witnesses, both lay and expert, as to the mental condition of such person. In the event and to the extent that no subpoenas are issued for the examiners to appear at the heraing, the report or such part of it as was prepaired by the examiners for whom no subpoena was issued is prima-facie evidence.

TITLE 29 ORC 2951.02, A. Probation.

A. In determining whether to suspend sentence of imprisonment and place an offender on probation, the court shall consider the risk that the offender will commit another offense and the need for protecting the public therefrom, the nature and circumstances of the offense, and the history, character,

and condition of the offender.

THE HOLY BIBLE

(Psychoanalysis)
(Psychology)
(Soul)

Psychoanalysis. A theoretic conception of personality originated by Sigmund Freud: also a technique of mental healing based on this theory. The theory teaches that elemental drives and desires suppressed by the conscious mind persist in the sub-conscious, and that the resulting inner conflict manifests itself in characteristic aberrations and a disorganized attitude toward life in general. The psychoahalytic method of treating personality disorders seeks to bring the suppressed motives to the patient's conscious attention so that they may be rationally analyzed and disposed of. It may involve a general recital of the patient's emotional life, hypnosis; or interpretations of his dreams, slips of speech, and erratic actions-all of which are regarded as symbolic expressions of the suppressed desires. Psychoanal-

ysis is not necessarily incompatible with Catholic teaching: but, as most commonlt taught and practiced (especially the pan-sexualism of Freaudian psychoanalysis), it is based on a philosophy of materialism and hedonism which makes it unacceptable.

Psychology. The study of the soul. It is a scientific study of mental life in its chief relations, its causes and its effects. Experimental psychology investigates the phenomena of mental life (e.g., perceptions, volitions, sensations, emotions), and attempts to classify and describe them. Rational psychology examines not only the phenomena of mental life, but treats also of the soul, the source of mental activities, and examines its nature (immortality, spirituality, simplicity, etc.).

Soul. The primary principle of life. In plants it is a vegetative life principle and in animals a sensitive life principle. But the far superior human soul is rational, spiritual, and immortal. Soul and body in

man are so united in a single nuture and person that the soul is said to be the substantial form of the body: it is the life principle which makes the body what it is essentially: a human body. Every individual soul is created directly by God and is infused into the embryo at the moment of conception.

CERTIFICATE OF SERVICE

Three copies each of the foregoing Petition for Writ of Certiorari of the Petitioner, George E. Haren, where sent to the following, and three copies each where also sent to the Respondents that they represent, by certified, first class U.S. Mail on this 1 day of MAY, 1986:

John S. Coury: Asst. Law Director, City Hall, Canton, Ohio 44702. Phone (216)454-2136, Attny. for Respondents: Mayor, Stanly Cmich and Staff, Law Director, Harry Klide and Staff, and the City of Canton, Ohio.

Dale T. Evans: Asst. Prosecuting Attny., Courthouse Annex, P.O. Box 167 D.T. Sta., Canton, Ohio 44701. Phone (216)438-0817, Attny. for Respondents: Co. Commissioners, Robert Shirack, Virgil Musser, and Norman Sponseller and Staff, County Prosecutor, James Unger and Staff, and the County of Stark, Ohio.

David J. Kovach: Asst. Attny. General,

State of Ohio, State Off. Bldg. Room 800, 615 West Superior Ave., Cleveland, Ohio 44113 -1899. Phone (216)622-3030. Attny. for Respondents: Governor, James Rhodes and Staff, Attny. General, William Brown and Staff, and the State of Ohio.

IN PRO PER

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